United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, DECEMBER 5, 1995 *No. 192*

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. EVERETT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 5, 1995.

I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. GOSS] for 3 minutes.

DIFFICULTIES IN HAITI

Mr. GOSS. Mr. Speaker, I come to the well today to speak about the prospects for democracy in Haiti, an area where we have a great deal of investment. I am sorry to report that the news is even more dismal, there is more deterioration in the signs that we are getting toward democracy. We are not, and there are some four particular disturbing areas we need to have more information from the executive branch on.

First, we apparently are going to have elections on December 17 for the new President in the country of Haiti. It is very important that we do that, but, of course, the elections have to be full, fair, free, democratic elections. There is no indication that the elections are indeed going to be full, fair, or free. In fact, most of the opposition parties are boycotting the election.

There is virtually no campaigning going on, with the exception of one party, which is the chosen party of the present President, and it is impossible to underestimate, in my view, the damage done by the parliamentary elections that basically caused the loyal opposition to lose faith in the system and refuse to participate in it.

The second disturbing area has to do with these elections, and that is, it appears that some of our taxpayers' dollars that are being financed as aid to Haiti are indeed going into the chosen campaign of the party of the President there. There appear to be some unaccounted moneys in significant amounts, and there is only one campaign in evidence, and it is a very well funded, lavishly orchestrated campaign. The indications are, certainly the rumors are strong and we have had no denials, that those are U.S. tax dollars that are running that campaign and providing for all those banners and T-shirts that are springing up around the country that is so poor that many people do not have T-shirts or food or medicine or other things they need. But these campaign shirts seem to be getting out there.

It appears also as we read reports in Miami that some of our tax dollars are being used to lobby ourselves. I suspect we will be hearing more on that as others look into those allegations that are being made about tax dollars that are going to lawyers and lobbyists in our own country.

The third area of concern is we have a new chief of the national police, which is the group supposed to provide the stability in Haiti once our troops leave in February. It turns out Colonel Solastine is an old Aristide friend, sort of a political hack, and has been head of the palace guard, and it is not expected that he is going to be able to bring either professionalism or independence to the national police.

The final problem that I point to this morning is we just have had a cancellation of a business delegation from Haiti. Haiti desperately needs more investment and business. The Haitians who were coming here on a mission this week to talk to American legislators and businessmen about how to do that have canceled their trip because of the heightened tensions between the United States and Haitian Governments and because of the situation in Haiti, which they describe as ''inopportune.'' Inopportune is a euphemism for we are scared to death, we are closing our business, there is no security, there is a lot of corruption, and there is much to be done. These are problems we need to look more into before we spend more tax dollars. I thank you. I look for a report from the White House on this.

DRACONIAN IMPACTS OF PROPOSED BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning business for 5 minutes.

Mr. PALLONE. Mr. Speaker, as we know, negotiations continue, or at least we hope they are going to continue, over the budget, with this Republican budget that has passed the House of Representatives and the Senate, which President Clinton wisely says he cannot accept, and so negotiations are going on to try to see if the President can come to an agreement with the Republican leadership in the Congress.

I just wanted to spend a little time today putting what I call a human face

on some of the numbers. We talk about the budget, and I have said over and over again we need to make sure that whatever is resolved with the budget, that Medicare is preserved, that Medicaid is preserved, that those programs are not cut in order to finance tax breaks for the wealthy, and also that we are concerned with environmental priorities and education priorities.

I just wanted to give some information about numbers and how some of those priorities transfer into real terms and into the effects on the average American, particularly with regard to Medicare and Medicaid.

The Republican-proposed budget cuts Medicare by $270 billion and increases costs on beneficiaries. In effect, these cuts increase direct and indirect costs on Medicare beneficiaries, on our senior citizens, placing a huge financial burden on seniors and people with disabilities.

If you look at it, the cuts in the Medicare Program alone basically are $1,700 per beneficiary, per senior citizen, by the year 2002, and premiums for those seniors increase to $89 per month in 2002, an annual increase of about $440 per couple.

If you also look at the amount of money that is going to be available to Medicare by reference to the amount of money that would be available for someone who is getting health care in the private sector, the $270 billion Medicare cut would limit spending per Medicare beneficiary to a rate that is more than 20 percent below the projected private insurance per person growth rate over the next 7 years. So Medicare now will not be keeping up with the amount of money that is available for those who are paying for their health insurance privately.

Even more important, right now Medicaid pays for the Medicare premiums, coinsurance, and deductibles for people who are below 100 percent poverty. In other words, a lot of low-income senior citizens have their part B premium covered by Medicaid. They do not have to pay coinsurance and they do not have to pay deductibles.

Well, all that is gone under the Republican proposal. So all those people now would have to take that money out of their pocket. Of course, they cannot afford to do so, because they are in fact low income.

What we are going to see happen under these Republican Medicare cuts is essentially quality and access for a lot of senior citizens will suffer. When you get to Medicaid, it is even worse, because Medicaid right now is an entitlement program for low-income people, whether they be seniors, children, pregnant women, the disabled, whatever.

Under this Republican proposal, there no longer is any guaranteed health car for those low-income people under Medicaid. Instead, a block grant goes to the States and we estimate that about a 28-percent cut will be available. The amount of money that will be available will be about 28-percent less under this Republican proposal block granted to the States than what is available now under Medicaid.

What that means is a lot of States simply will not cover people under Medicaid. They will make no categorizations of who is covered and who is not, and that means a lot of low-income people will not have access to health care.

We also estimate that about 330,000 people could be denied nursing home coverage, because right now Medicaid pays for most nursing home care and essentially guarantees nursing home coverage for those seniors who cannot afford to pay for nursing home care privately. That is all gone. There is no guarantee of nursing home care anymore, because, again if the States decide they do not want to provide for certain categories of people, they simply will not.

If you look at where the tax breaks are going under the Republican proposal at the same time, the tax breaks are mostly going for the well-to-do. Nearly half of the benefits under the Republican tax package, about 48 percent, go to the top 12 percent of families, those of incomes of $100,000 or more. If you are actually making less than $30,000 a year, you are probably going to end up paying more in taxes because the earned income tax credit that goes to a lot of working low-income people is cut severely. So a lot of people who are making less than $30,000 a year and who are working essentially are going to be paying more taxes instead of less.

Last, I wanted to talk about the impact of this Republican budget on the environment. It funds enforcement of public health and environmental safeguards 25-percent less than what we have now.

So, again, the environmental priorities are essentially downgraded, and we hope that the President is able to negotiate a better budget bill to preserve these priorities.

MAKING ENGLISH THE OFFICIAL LANGUAGE OF THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. ROTH] is recognized during morning business for 3 minutes.

Mr. ROTH. Mr. Speaker, the Senate Governmental Affairs Committee prepares to hold hearings tomorrow on the issue of making English our official language. One of the issues that heavily dominates that debate is this issue of bilingual education, which was started as part of the Great Society Program back in 1968 and has grown and mushroomed to the juggernaut that it is today. I wish to put this problem into a proper perspective.

Mr. Speaker, a quick look at some startling facts will tell us all we need to know. Today, 32 million Americans don't speak English. In just 5 years, that number will increase to 40 million. English is a foreign language for one in seven Americans.

For most of our Nation's history, America gave the children of immigrants a precious gift—an education in the English language. As each new wave of immigrants arrived on these shores, our public school system taught their sons and daughters English, so they could claim their place in the American dream.

What are we doing for these new Americans today? Instead of a first-rate education in English, our bilingual education programs are consigning an entire generation of new Americans—unable to speak, understand, and use English effectively—to a second-class future.

This tragedy has human faces. Let me tell you about two people's experiences which will illustrate the impact of our failed bilingual education programs. I've never heard the problems with bilingual education more poignantly put than in the words of Ernesto Ortiz, a foreman on a south Texas ranch who said: ''My children learn Spanish in school so they can become busboys and waiters. I teach them English at home so they can become doctors and lawyers.'' Ernesto understands that English is the language of opportunity in the country. He understands that denying his children a good education in English will doom them to a limited—as opposed to limitless—future.

Bilga Abramova also understands this simple truth. Bilga is a 35-year-old Russian refugee who has entered a church lottery three times in an attempt to win 1 of 50 coveted spaces in a free, intensive English class offered by her local parish. Her pleas in Russian speak volumes about the plight of all too many immigrants: ''I need to win,'' she said. ''Without English, I cannot begin a new life.''

The ultimate paradox about our commitment to bilingual education in this country is that Bilga and others like her all across the country are on waiting lists for intensive English classes while we spend $8 billion a year teaching children in their native language.

You've heard from parents like Ernesto Ortiz and how they feel about bilingual education. Even teachers oppose these programs. A recent survey of 1,000 elementary and secondary teachers found that 64 percent of these teachers disapproved of bilingual education programs and favored intensive English instruction instead.

Even longtime defenders of these programs are starting to change their tune. The California Board of Education approved a new policy last month in which they abandoned their preference for bilingual education programs.

This year marks the 27th year of bilingual education programs. For more and more people, that is 27 years too long. It is time to take a fresh look at

this problem. Bilingual education has had 27 years and billions of dollars to prove that it accomplished what it said it would do in 1968: teach children English quickly and effectively. Too many people lose sight of the fact that the real issue here is how to help children and newcomers who don't know English and who need to assimilate.

Let us not forget about Ernesto Ortiz and his children, about Bilga Abramova and other new Americans like them. While a Senate committee will discuss this issue for the first time tomorrow, Ernesto and Bilga have already given us their testimony on bilingual education, in words and in images. We must not lose sight of the fact that this is not just an abstract public policy issue; bilingual education and our national language policies have real world consequences. When our policies fail, the failures have names and faces attached to them. When our policies serve to divide rather than unite us, the rips appear in the very fabric of the American Nation. Don't underestimate this issue's importance. This is an issue that can affect the very future of new Americans and America itself.

OUTRAGE OVER FRANCE'S NUCLEAR TESTING PROGRAM IN SOUTH PACIFIC

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized during morning business for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise again today to express my outrage and dismay with the continuation of France's willful disregard for the millions of human lives that may be seriously at risk because of its nuclear testing program in the South Pacific. France has now exploded four nuclear bombs in addition to 166 nuclear bombs that have already been exploded, filling the landscape in and outside of the Moruroa Atoll in French Polynesia.

It may not be now, Mr. Speaker, but within the next 10 years when the French Government is no longer around in this part of the world, when the Moruroa Atoll finally starts to break apart, the horrors of France's nuclear testing contamination will infuse itself into the fish and other living organisms in our Pacific marine environment. If by some accident of nature this atoll starts to break up because of serious volcanic or earthquake disturbances in or around the ocean floor, what then, Mr. Speaker?

The French Government certainly does not have the capability to clean up the environmental nightmare sure to result, and perhaps our own country may have to commit resources to clean up the mess.

Mr. Speaker, do our colleagues and the American people realize that scientists have verified that the two areas of the Pacific where considerable concentrations of ciguatera poisoning exist are found in the reefs and marine life of the Republic of the Marshall Islands and of French Polynesia?

Mr. Speaker, may I remind my colleagues and the American people there is a direct correlation between nuclear tests that were conducted in the Marshall Islands by our own Government and the nuclear tests now being conducted by the French Government in French Polynesia. The point is, Mr. Speaker, ciguatera poisoning is heavily concentrated in the fish and marine life of these two areas of the Pacific, and there is a tremendous need right now to examine this serious by product of nuclear testing which poisons the very food we depend upon from the Pacific Ocean.

Mr. Speaker, we do not need to explode more nuclear bombs to see if it does harm to human beings.

□ 1245

The two nuclear bombs that were dropped on the residents of the cities of Hiroshima and Nagasaki some 50 years ago killed and vaporized some 290,000 men, women, and children in Japan during World War II. Mr. Speaker, while the international community looks on, France continues to defy the concerns of millions of people around the world, continues to explode their nuclear bombs not in or anywhere near France, but some 14,000 miles away from Paris.

Mr. Speaker, I submit here is a classic example of a so-called democracy that so desperately wants and desires respect and preeminence as a superpower in Europe, they are pursuing nuclear weapons development at the expense of the lives and safety of some 200,000 French citizens living in French Polynesia. Mr. Speaker, how does one justify the Chirac government's exploding more nuclear bombs when over 60 percent of France's public is opposed to nuclear testing? How about the 200,000 French citizens who will be directly impacted if nuclear contamination breaks out from the atolls, where the tests now are being conducted?

Is it fair, Mr. Speaker, for President Chirac of France to conclude that the lives of 200,000 French citizens living in French Polynesia are deemed expendable for the sake of France to become a preeminent force in Europe? Is it also fair, Mr. Speaker, that President Chirac has now determined that the safety of some 28 million people living in the Pacific region is also deemed expendable so as to promote France's nuclear capabilities? In the name of fairness and equity, Mr. Speaker, what right does President Chirac have to impose the hazards of nuclear contamination on millions of people in the Pacific who are not subject to French control? Mr. Speaker, I am not one to defend China's nuclear testing program, but at least they test within their own backyard.

Mr. Speaker, recently the gentleman from Massachusetts, Congressman EDWARD MARKEY, and the gentleman from California, Congressman PETE STARK, and myself introduced a bill, H.R. 2529, that places up to an 800-percent duty on all French beaujolais wine imported to this country. With each nuclear explosion, the price of French wine shall escalate. People should not buy French wine to protest France's testing. I ask my colleagues and the American people to support us in this effort, and to send President Chirac a strong message: Nuclear testing and nuclear bomb explosions are no longer relevant in our world today.

I submit, Mr. Speaker, when are we going to stop this madness, in that we continue to justify ourselves by saying this is the only way that we are going to defend ourselves, by having a nuclear deterrent capability. Mr. Speaker, this is the height of contradiction. We outlaw germ warfare, we outlaw chemical warfare, but we don't touch nuclear warfare, the most destructive warfare in existence. This the height of hypocrisy, Mr. Speaker. The height of hypocrisy.

Mr. Speaker, I include for the RECORD articles on the European Community's reaction to the bombings.

[From the Washington Times, Nov. 20, 1995]

TEST CRITICS RILE PARIS

CHIRAC CANCELS SUMMITS WITH ITALY, BELGIUM

(By Pierre-Yves Glass)

PARIS.—French nuclear tests in the Pacific have blown open a rift between France and most of its European partners. For Paris, their criticism of the blasts amounted to betrayal.

Angered by their support of a U.N. resolution condemning French nuclear tests, President Jacques Chirac on Friday abruptly canceled planned summits with the leaders of Belgium and Italy.

Paris justified its action, saying the positions of those states and eight other European Union members didn't ''correspond to our idea of European solidarity.''

By joining 85 other nations in condemning France, those 10 EU states broke a decades-old tradition of backing a fellow EU member when it deemed its actions essential to its national interests.

But their act could be a reminder to Mr. Chirac that the EU has 15 states and isn't just a club run by its most powerful members—France, Germany and Britain.

The French have to understand that their partners in the European Union have opinions on an initiative on which they have not been consulted,'' Belgian Prime Minister Jean-Luc Dehaene said Saturday.

France has responded to world outrage by insisting its series of six underground nuclear blasts in French Polynesia this fall are essential to ensure the viability of its nuclear arsenal. Government sources said the fourth detonation would take place within the coming days.

Paris has pledged to sign a testban treaty next spring after completing the tests. The United States, Britain and Russia all have adhered to a moratorium on nuclear testing.

A U.N. commission's resolution Thursday ''strongly deplored'' continued nuclear tests by France and China—without naming the countries—and demanded the General Assembly call for a stop to them.

Among the EU's 15 members, only Britain—the bloc's other nuclear power—voted with France against the resolution. Germany, Spain and Greece—usually staunch French allies—abstained.

The resolution was supported by all other EU members—Austria, Belgium, Denmark, Finland, Ireland, Italy, Luxembourg, Portugal, Sweden and the Netherlands.

Paris wants to offset U.S. domination of NATO by creating a more independent EU defense system. It interpreted the vote by 10 EU countries condemning the French blasts as a slap in the face.

The vote of the 10 EU naysayers ''goes counter to [European] solidarity just as everyone proclaims support for a firmer European defense,'' former Premier Edouard Balladur said.

[From the Honolulu Advertiser, Nov. 24, 1995]

SALES OF FRENCH BEAUJOLAIS HIT BY ANTI-NUCLEAR BOYCOTT

POLITICS OF TESTS IN S. PACIFIC SOUR THE NEW VINTAGE

It has evolved into one of the most hallowed annual rituals in France, a moment when bleak autumn blues are swept away by an ocean of fruity red wine spilling out of southern Burgundy amid a boisterous chorus heard around the world:

Le beaujolais nouveau has arrived!

The yearly rush to ship the stuff to every corner of the globe at the stroke of midnight on the third Thursday in November is one of France's great marketing coups. The unpretentious wine, bottled just weeks after the grape harvest, produces sneers from connoisseurs but more than $100 million a year for growers.

Alas, this year's vintage is already producing a horrendous hangover. Foreign sales have dropped precipitously in many markets, largely because of consumer boycotts over France's decision to resume nuclear testing in the South Pacific.

The United States is an exception: sales are solid in Les Etats Unis, including Hawaii, where wine merchants say it would be a crime to let politics interfere with imbibing.

''They are all fanatics,'' R. Field Wine Co. managing partner Tim Learmont says of those who would forgo le beau for le bombe.

The protest, Learmont says, is misplaced. ''A lot of the people that grow the wine are themselves opposed to nuclear testing. They are punishing the wrong people, and they are punishing themselves by boycotting the wine.''

In fact, Learmont said, sales in his Honolulu shop at Ward Centre appear to be brisker this year than last, with 12 cases sold in less than a week, and only 24 more cases here or on the way.

Learmont attributes the sales, at $13.99 a bottle with discounts for six or more bottles, to the ''fresh, clean'' quality of the new vintage, ''with a lot of strawberry character to it.

''This nouveau is much better than last year,'' Learmont says. ''Of course,'' he grins, ''we say that every year.''

But in Japan and Scandinavia, where anti-nuclear protests are popular, beaujolais sales have fallen by more than 30 percent, according to the French winegrowers' union. In Germany, bar customers are asking to pay for the thrill not of drinking beaujolais but of smashing the bottles.

''Politics never mixes well with wine,'' said Franck Duboeuf, who operates France's biggest wine-exporting empire with his father, Georges, known as the ''King of Beaujolais,'' from their base in Romaneche-Thorins.

''Banning the bomb and nuclear testing may be worthy causes, but to stop buying wine is not the best way to achieve those goals,'' Duboeuf said in a telephone interview.

But even new markets such as Brazil, China and Singapore have not offset sharp declines in Japan, the Netherlands and other anti-nuclear nations.

[From the New York Times, Nov. 17, 1995]

CHINA REBUKES FOUR OTHER NUCLEAR POWERS ON ARMS CONTROL

(By Patrick E. Tyler)

BEIJING, Nov. 16.—Issuing a major policy statement on arms control, China tonight sharply rebuked the United States, Russia, Britain and France for continuing to develop ''nuclear weapons and outer space weapons, including guided missile defense systems'' while seeking in some cases to deny the peaceful use of nuclear technology to the developing world.

The policy document, issued by the official New China News Agency, said the world's major nuclear powers ''on the one hand, vie with one another in dumping their advanced weapons on the international market, even using weapons transfers as a means to interfere in other nations domestic affairs.''

''On the other,'' it continued, ''they resort to discriminative anti-proliferation and arms control measures, directing the spearhead of arms control at the developing countries.''

Without mentioning Taiwan, the document implicitly warned Washington that Beijing regards continuing arms sales to the island as interference in China's internal affairs.

For the first time, the policy declaration also appeared to express China's formal opposition to an American proposal to deploy ballistic missile defense systems in Asia to protect Japan and American military forces there, principally against North Korea. Beijing fears that such a missile defense system could undermine Chinese strategic nuclear forces, which were developed to hold American, Japanese and Russian targets at risk of retaliation in any nuclear conflict.

Chinese officials were alarmed when President Clinton and President Boris N. Yeltsin signed a communiqué in May saying Washington and Moscow should cooperate in developing ballistic missile defenses.

In a larger context, China's policy presentation was made to a world and regional audience that is very much concerned with fundamental security questions in Asia. They include the rising military tensions between China and Taiwan; the territorial conflicts in the South China Sea, where there are rich deposits of oil, and China's competition with Japan for regional dominance. The role of American forces in Asia is connected to each one of these issues.

China's policy statement may have also been timed in part to blunt the international criticism that will resume when Beijing detonates its expected third underground nuclear warhead this year, part of a final series of tests leading up to the conclusion in 1996 of a nuclear test ban treaty, which China has pledged to sign. Preparations at the Lop Nor testing range in the far west of China have been observed by American reconnaissance satellites, foreign diplomats here say.

Concerning its own nuclear cooperation with such countries as Iran and Pakistan, both of which have nuclear weapons programs, the document pledged that China would combat the spread of weapons of mass destruction. But it asserted, ''There must not be a double standard whereby anti-nuclear proliferation is used as a pretext to limit or retard the peaceful use of nuclear energy by developing nations.''

China defended its level of military spending, which has increased about 50 percent, taking inflation into account, since the late 1980's, according to estimates by Central Intelligence Agency.

''China needs a peaceful environment in order to be able to devote itself completely to its socialist modernization program,'' the document said. ''As long as there is no serious threat to China's sovereignty or security, China will not increase its defense spending substantially or by a big margin. It will never threaten nor invade any other country.''

PRESIDENT SHOULD SEEK SUPPORT OF THE PEOPLE AND THEIR REPRESENTATIVES BEFORE SENDING UNITED STATES TROOPS TO BOSNIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from North Carolina [Mr. FUNDERBURK] is recognized during morning business for 5 minutes.

Mr. FUNDERBURK. Mr. Speaker, as thousands of American soldiers prepare to depart for a cold winter in Bosnia, two things are lacking in the White House's preparation for its plunge into the Balkan nightmare; an appreciation for the Constitution of the United States and the unique relationship which exists between constitutional government and the American military.

Mr. Speaker, the Founders did not haphazardly assign responsibility for placing American soldiers in the line of fire. Most of these men were veterans of either the French and Indian War or the Revolution or both. They are determined never to commit the Army and Navy without the full backing and faith of the American people. As Alexander Hamilton implied in the Federalist Papers, the military of the new United States was to be an instrument of the people and not of the Government.

The Founders understood that before Americans are committed to battle, the Commander in Chief must have the backing of the people, the people's representatives, and the military itself.

A few years ago, former Secretary of Defense Caspar Weinberger laid out a six point plan designed to thwart the ambitions of any President who might attempt to reserve for himself military powers which the Constitution places clearly with the people and the people's representatives. The fifth of Weinberger's six points was that: ''* * * before the United States commits combat forces abroad, there must be some reasonable assurance that we will have the support of the American people and their elected Representatives in the Congress.''

The distinguished military historian Col. Harry Summers notes that Weinberger's theory was not new. It is clearly found in the writings of James Madison. Madison, as Summers notes, clearly believed that there was a moral imperative that those Americans whose sons' lives are put in danger ''must clearly have a say in their deployment.''

Article I, section 8 of the Constitution gives to the Congress the power to provide and pay for the common defense. Constitutionally, the President

can do absolutely nothing unless the Congress appropriates the money for the military's use. It was precisely that restraint on the warmaking power which forced Bill Clinton to abandon his disastrous adventure in Somalia.

Mr. Speaker, coming to Congress after a decision has been made to engage in full scale military operations abroad is an affront to the Constitution and a threat to our soldiers. I don't care what Bill Clinton pollsters tell him. The momentous issue of war and peace is too dangerous to be left to one publicity hungry chief executive.

To paraphrase a great military mind, ''Bosnia is the wrong war, in the wrong place, at the wrong time.'' Bill Clinton, who spent his college and Oxford years tearing down the American military and damning his country overseas obviously learned nothing from his experiences during Vietnam. It is long past time that he read the simple but powerful words of the Constitution. He must either get the people on his side or pull out now.

FREE THE DISTRICT OF COLUMBIA APPROPRIATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized during morning business for 5 minutes.

Ms. NORTON. Mr. Speaker, we are 11 days before another possible shutdown of the Federal and the District Government and I am forced to come to the floor of the House every day trying to keep this from happening, at least in the District. I recognize now that there will probably be at least a short-term CR, so that 10 days before Christmas there is not a Federal Government shutdown, but I hope to impress upon my colleagues that a short-term CR will not help the District much because it is a city and not a Federal agency.

As we saw from the starts and stops of preparing for the last shutdown, it does not help a city to give it a short-term CR. I ask my colleagues to put themselves in the position of my constituents, who have paid their taxes, who are second per capita in Federal taxes in the United States, and their money is up here in the appropriations. Eighty percent of it is their money, and there is the possibility that the Congress would shut down on their money, or put them on a CR on their money.

Tomorrow, the gentleman from Virginia, Chairman TOM DAVIS, has agreed to a hearing on a bill that would allow the District to spend its own money in the case of government shutdowns, remembering that we are not HUD or HHS—we are a city, like the cities my colleagues represent. We are caught in the middle of someone else's fight. The District is in grave financial stress. It is important to let us out so that we can continue to rebuild this city.

Mr. Speaker, this morning's Washington Times reports some distressing news, and I am quoting. ''A paralyzing dispute over school vouchers has so divided Republicans that some are concerned the District will not receive an annual spending bill for the first time since the advent of home rule.''

I say to my GOP colleagues who are in charge now, every year for 40 years that the Democrats were in charge, they got 13 appropriations out. It is now the GOP's responsibility to get 13 appropriations out, including the District's. Instead, what we have brewing is a major constitutional fight on the back of the weakest of the 13 appropriations, the smallest of the 13 appropriations—the D.C. appropriations.

I ask my colleagues, is it fair to hold up our appropriation over a fight, a constitutional fight, over vouchers for private and religious schools? This is a worthy question, but it deserves a hearing. It deserves exposure, major exposure, if my colleagues mean to depart from 200 years of American history.

Instead, we are told, again in the Washington Times this morning, that the gentleman from Vermont [Mr. JEFFORDS] currently holds the votes to bury any voucher program under a filibuster. Imagine filibustering our appropriation over matters that have nothing to do with the District. This proposal on vouchers and on educational reform was meant to help us. It is hurting us now very much. Get it off our backs.

If the GOP wants to do this, if they want to help us, let them do it the right way and not hold up money that the District needs desperately simply to run the city. We already have an agreement on the amount of our appropriation. It involves a cut, by the way. So everything is in order except an extraneous issue involving vouchers.

There is also an abortion issue. But the issue that is really holding our money up, threatening to shut the city down, threatening to put us on short-term continuing resolutions, is not an issue affecting the 600,000 people I represent. They deserve better. They deserve a whole lot better.

According to the Washington Times, Mr. Speaker, ''Longtime observers and those involved in the process say negotiating a District spending bill is often tough, but the House and the Senate have always worked out their differences in one sitting.'' We are having the third sitting today and we are nowhere near to a solution on whether or not 600,000 people, many of them the hardest working people one could ever find, will get their own money out of the Congress.

Our money should not be up here in the first place. There was a whole revolution over charging people taxes without allowing them to have a say in how to spend their own money. The 80 percent I am talking about was raised in the District of Columbia from District taxpayers. Most Americans do not know that. My constituents know it. They are tired of being held up here over the fight between the executive and the Congress of the United States. They understand that to be a worthy fight that has to be fought out, but surely no one believes that we should be punished by disallowing us the flexibility to spend our own money.

Mr. Speaker, there are over-obligation prospects out there because if we are given a 1-month CR, there are mandates such as AFDC. There are mandates such as payroll. We cannot guarantee we will get through those mandates. Free the District appropriation.

DEAD BROKE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Virginia [Mr. WOLF] is recognized during morning business for 5 minutes.

Mr. WOLF. Mr. Speaker, I want to bring to the House's attention a front page article from the December 3, 1995, Minneapolis edition of the Star Tribune title, ''Dead Broke,'' about how gamblers are killing themselves, bankrupting their families, and costing Minnesota millions. Let me read from this compelling article:

> In less than a decade, legalized gambling in Minnesota has created a broad new class of addicts, victims and criminals whose activities are devastating families and costing taxpayers and businesses millions of dollars.
>
> Thousands have ruined themselves financially, some have committed crimes, and a handful have killed themselves. Thousands more will live for years on the edge of bankruptcy, sometimes working two or three jobs to pay off credit-card debt.

The Star Tribune said these people include Minnesotans such as:

Catherine Avina of St. Paul, an assistant attorney general who killed herself with an overdose of antidepressants after a 4-day gambling binge. The mother of three had been fired just a few days earlier, and left debts of more than $7,000 and $600 in bounced checks.

John Lee, a 19-year-old St. Paul college student who lost $8,000 in two nights at a casino. He returned home, kicked down the door to his apartment, put the barrel of a shotgun to his head, and killed himself.

Lam Ha of Blaine, a father of two and waiter at a restaurant. Last year, he and his wife filed for bankruptcy protection with a $76,000 debt, much of it on 25 credit cards. They listed gambling losses of $40,000 in 1994 alone, more than their joint annual income.

Reva Wilkinson of Cedar, who is in prison for embezzling more than $400,000 from the Guthrie Theater to support her habit. Her case cost taxpayers more than $100,000 to investigate, prosecute, and adjudicate.

According to the article, the costs of gambling include the following: 38,000 probable addicted gamblers in Minnesota; 100,000 people with increasing gambling problems; 6 confirmed gambling related suicides; more than 140 confirmed suicide attempts since 1992; more than 1,000 people per year declaring bankruptcy; $400,000 per year in

welfare benefits withdrawn from casino ATM's and $200 to $300 million in estimated annual social costs—taxes, lost wages, and debts.

The article also reported that some $39,000 a month in welfare benefits from Hennepin and Ramsey counties is being withdrawn from automatic teller machines in casinos. In September, there were 769 withdrawals of public-assistance benefits using cash machines at Mystic Lake Casino in Prior Lake. Seventeen pawn shops have opened near casinos in the State. Several owners said they get 50 percent of their business from gamblers.

Ten years ago, there was one Gamblers Anonymous group meeting in the State. Today, there are 49. Calls to the State Compulsive Gambling Hotline doubled from 1992 to 1994, reaching nearly 500 per month.

Between 1988 when the first of the State's 17 casinos began operating and 1994, counties with casinos saw the crime rate rise twice as fast as those without casinos. The median change in counties with casinos was a 39-percent increase, compared with an 18-percent increase in noncasino counties.

And, in the face of rising crime, pathological gambling, increased bankruptcies, and broken families, what are political leaders doing? The Star Tribune says they have been silent mostly because there is a lack of credible information on the subject. The article said:

Political leaders—even those who have taken an interest in gambling issues—acknowledge they know little about the problem. There has been no comprehensive study of the social costs—the debt, crime, and suicides associated with gambling. The state does not know what kind of treatment works, or how successful the programs it funds have been.

Assistant Attorney General Alan Gilbert, a member of the State Advisory Council on Gambling, and ''But I think common sense tells you that there has to be some adverse effects. * * * We just don't know the extent of it.''

Mr. Speaker, public officials in Minnesota are not alone. Public officials in Virginia, Louisiana, and States across America don't have the information they need to make informed decisions about gambling policy.

That is why I have introduced, and 126 Members of the House have cosponsored, H.R. 497, the National Gambling Impact and Policy Commission Act. This legislation would charge a blue-ribbon panel with the duty of looking at all the social costs described by the Star Tribune so that America's policymakers and citizens know what the impact of legalized gambling may be.

Mr. Speaker, the House Judiciary Committee ordered H.R. 497 reported by voice vote and the report could be filed as early as this week. I urge members who have not yet cosponsored to cosponsor this important legislation so we can rationally determine whether or not, as the Star Tribune headline puts it, America is going ''Dead Broke.''

Mr. Speaker, I include in the RECORD immediately following my statement an Associated Press article which summarizes the three-page Star Tribune special report, as follows:

MINNEAPOLIS.—Legalized gambling in Minnesota has created a new class of addicts, victims and criminals, devastating families and costing taxpayers and businesses millions of dollars, a published report says.

According to the report in Sunday's Star Tribune, thousands of Minnesotans have ruined themselves financially, some have committed crimes, and a handful have killed themselves because of gambling problems.

Thousands more will live for years on the edge of bankruptcy, sometimes working two or three jobs to pay off high-interest credit-card debts, the newspaper said.

Political leaders acknowledge they know little about the problem, or about the social costs of problem gambling such as debt, crime and suicides, the Star Tribune said.

''The social costs really haven't been assessed very accurately, and they certainly haven't been quantified at this point,'' said Assistant Attorney General Alan Gilbert, a member of the state Advisory Council on Gambling. ''But I think common sense tells you that there has to be some adverse effects. . . . We just don't know the extent of it.''

Minnesota's problem gamblers are mostly middle-class people whose appetite for wagering grew from office football pools or church bingo to pulltabs, racetracks, lotteries and casinos when state and federal governments began, legalizing them in the mid-1980s, the newspaper said.

The Star Tribune said they include Minnesotans such as:

Catherine Avina of St. Paul, an assistant attorney general who killed herself with an overdose of antidepressants after a four-day gambling binge. The mother of three had been fired just a few days earlier, and left debts of more than $7,000 and $600 in bounced checks.

John Lee, a 19-year-old St. Paul college student who lost $8,000 in two nights at a casino. He returned home, kicked down the door to his apartment, put the barrel of a shotgun to his head and killed himself.

Lam Ha of Blaine, a father of two and waiter at a restaurant. Last year, he and his wife filed for bankruptcy protection with a $76,000 debt, much of it on 25 credit cards. They listed gambling losses of $40,000 in 1994 alone more than their joint annual income.

Reva Wilkinson of Cedar, who is in prison for embezzling more than $400,000 from the Guthrie Theater to support her habit. Her case cost taxpayers more than $100,000 to investigate, prosecute and adjudicate.

The newspaper said even conservative estimate of the social costs of problem gambling suggest that it costs Minnesotans more than $200 million per year in taxes, lost income, bad debts and crime. An estimated $4.1 billion is legally wagered in the state each year, it said.

Two independent surveys last year estimated that the number of people who have experienced significant problems because of gambling doubled from 1990 to 1994 and now exceeds 100,000. One of those studies also concluded that there are about 38,000 people in the state with serious gambling addictions.

The problem has taken a toll on a larger-scale level as well. In a report today, the newspaper said the 14 Minnesota counties with casinos in them are experiencing a significantly faster growth in the crime rate than are counties without casinos.

Between 1988 when the first of the state's 17 casinos began operating and 1994, counties with casinos saw the crime rate rise twice as fast as those without casinos. The median change in counties with casinos was a 39 percent increase, compared with an 18 percent increase in non-casino counties, the paper said.

In Sunday's report, the newspaper listed several indicators of the scope of Minnesota's gambling problem. Among them:

More gamblers are going bankrupt. It said there is evidence that more than 1,000 people a year are filing for bankruptcy protection in cases involving gambling losses.

Gamblers are committing suicide. The newspaper found six people with gambling problems who had committed suicide since 1991, five of them in the past two years. At least 140 gamblers have attempted suicide, it said. The real numbers are probably much higher, it said.

Credit counselors are seeing increasing numbers of gamblers with seemingly insurmountable debts.

Some $39,000 a month in welfare benefits from Hennepin and Ramsey counties is being withdrawn from automatic teller machines in casinos. In September, there were 769 withdrawals of public-assistance benefits using cash machines at Mystic Lake Casino in Prior Lake.

Ten years ago, there was one Gamblers Anonymous group meeting in the state. Today, there are 49.

Calls to the state Compulsive Gambling Hotline doubled from 1992 to 1994, reaching nearly 500 per month.

□ 1300

BALANCED BUDGET DEBATE IS A QUESTION OF PRIORITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am here to talk about the budget. The budget. Now, first of all, all of the appropriations bills were due on September 30. A year ago at this time, we had them all done, they were all signed and that was the end of it.

So, we are now 66 days after the date that they were all due, and they are not done yet. We are still operating under this temporary thing. We had one government shutdown that was, I think, an absolute debacle, in which the Federal taxpayers paid $700 million more and got less, because they paid for people to be at work and they were not at work. They wanted to be at work, but they were not allowed to be at work.

Mr. Speaker, that is really nuts. We are looking very much again at whether or not we are going to have another one of these in 10 days, or are we going to punt it until after the holidays and start this whole thing after the beginning of the new year?

What in the world happened between last year and this year that has got us running round and round and round, screaming, yelling and hollering and looking like a third-rate ''I-don't-know-what,'' but we certainly do not look like any superpower legislature.

Mr. Speaker, this has been a pathetic performance. I think taxpayers are angry with everybody in Washington.

The reason it has been so hard to understand this is because the budget is something that everybody's eyes glaze over the minute we mention it.

Mr. Speaker, there is all sorts of rhetoric going around. I see people wearing the button ''2002,'' like one side is going to balance in the year 2002 and the other side is not. That is wrong. The issue is not are we going to balance the budget 7 years out; the issue is how are we going to balance the budget 7 years out? Who wins? Who loses? That is going to determine what kind of a country we are.

Mr. Speaker, I think this debate is more important than any other debate we are going to have, because it is really going to set the country on a course for the next century. We are talking 2002, the next century. What kind of a country are we going to be? We say, ''Well, what are we? We are America. What is America? America is the flag. What is the flag? The flag is America.'' Let us break out of that circle. What does America mean, and what does the flag mean, and what do we stand for, and how do we invest our tax dollars?

The huge fight between the two different sides of this aisle is whether or not we are going to have to whack away at that budget right, left, and sundry to do this tax cut; to do this tax cut for the top 1 percent of America's families. See, if we do this tax cut, the top 1 percent is going to be like winning the lottery. They are going to get $13,628, if they make over $600,000 a year. We know how they need it. They are having trouble buying all the new fancy presents they want.

Mr. Speaker, to do that, we are going to raise the taxes of the lowest 20 percent and, boy, the next 20 percent they are going to get a whole $39 back. I am sure they are wondering right now how to spend it. Then the next 20 percent is going to get $226 back. This is not going to mean anything to the average American family; especially when we turn around and figure out what we have to cut out of the budget to get this money to fund this tax rebate.

Again, that all sounds like Washingtonian blabberty-blab. Let me try to put it on a family level. Let us assume an American family is sitting around their table working on the family budget for the next year, and assume they had too much debt, that they put too much on that plastic card that tempts us all every single day, and now they have got to figure out how they get rid of that debt. So, they are looking at every member sitting at the table. What are the decisions going to be? Where do they cut back?

Mr. Speaker, do you think there is an American family around that would say to the children, the 4- to 5-year-olds, ''We are going to have to take you out of Head Start?'' ''That is it. It is nice, but you are not even going to get to start, much less finish school.'' That is exactly what we are talking about doing, throwing thousands of kids out of Head Start. I do not think any American family would agree with that decision.

Mr. Speaker, do you think there is any American family that would say to the young people sitting at the table trying to go to college, ''Well, that is it. We are pulling the plug on you?'' I don't think so. Nor do I think they would do it to the elderly, nor do I think they would do it to anyone, just to send extra tax money to their rich uncle. That is what this is about.

NOT WHETHER TO BALANCE THE BUDGET, BUT HOW TO BALANCE THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. EHLERS] is recognized during morning business for 5 minutes.

Mr. EHLERS. Mr. Speaker, Just as the previous speaker did, I wish to speak about the budget deficit. However, contrary to what the previous speaker did, I wish to put politics aside and just talk about some of the facts that are involved.

Mr. Speaker, we currently have a national debt which, within a week or two, will exceed $5 trillion, or more than three times the amount of the annual revenues of the United States of America.

Furthermore, over the past several years we have had budget deficits in the neighborhood of $200 billion or more a year and, in general, they have been greater than 10 percent of the annual revenues of the United States of America.

Let us break that down into human terms, as the gentlewoman from Colorado [Mrs. SCHROEDER] just did. That means that each and every man, woman, and child in the United States owes $19,000 as their share of the Federal debt. Every man, woman, and child in this country. Every American child born comes into this world with a debt of $19,000.

Currently, each of us, every man, woman, and child in the United States, pays $1,000 per year, roughly, in interest alone on the national debt. In other words, of the amount of money paid in taxes to the Federal Government, roughly $1,000 per capita goes to cover the interest.

Mr. Speaker, I pointed out a week or two ago that if any one of us as a family owed an amount of money three times or greater than our annual average income, and continued to spend 10 percent more than our annual income, and we went to a credit counselor because our credit cards had been cut off and we could not get any further loans, and we went to a credit counselor and said that we would like to balance our budget, but we wanted 7 years to do it, a credit counselor would say, ''You are crazy. You are in trouble. You have to balance your budget this year.''

Yet, Mr. Speaker, we as a Congress are proposing to balance the budget in 7 years and there are a number of Members, many from the other side of the aisle, who say that is too soon; we need 10 years or 9 years or 8 years. I think 7 years is too long and I think Uncle Sam needs a credit counselor, someone who would shake some sense into our heads and say, ''You need to balance the budget now.''

Mr. Speaker, I think as a nation we have become addicted to spending money. We expect to get services without paying for them. I learned long ago that there is no such thing as a free lunch. We as a nation have to learn that. If we want services, we have to pay for them. If we are not willing to pay for them, then we had better go without the services. That applies across the board.

As I said, I was trying to put politics aside here and just deal with the facts. I would say that too many people in the debate here, and between the Congress and the White House, have gotten into political discussions.

The President, for example, tried to use Medicare to defeat our continuing resolution and scare the elderly about what might happen to Medicare. Some Members on the other side of the aisle continue their refrain about cutting Medicare to pay for tax cuts for the rich. We just saw an example of that.

But, Mr. Speaker, I am also going to fault the Republicans, because I personally think that a number of things that we are seeking to cut are being cut too severely, and other things that are not being cut should be cut or should be cut more than they are. I think all sides have to work together and recognize the overwhelming nature of the budget deficit, and recognize that this has to be our top priority.

That is why I am delighted that we were able to reach agreement with the White House that we will, indeed, balance the budget in 7 years and that we will, indeed, work on this together.

Mr. Speaker, we have to do more than just reach agreement that we will do it. We have to work on the details. This House of Representatives has spent most of this year working on that specific issue: preparing a budget that will achieve balance in 7 years. I am proud of the work that has been done in this Chamber and in the Senate. We have sent that bill to the President. He has said he will veto it, and I suspect he will.

But then, Mr. Speaker, comes the real work. Not simply posturing to the public and saying we are going to injure the elderly by cutting Medicare, which in fact we are not, but rather we have to sit down together and negotiate in good faith and say, ''Look, we have agreed to balance the budget in 7 years and the question is not whether or not we should; the question is how we are going to do it and what we are going to cut.''

Mr. Speaker, that is going to take a very detailed and active and well-intentioned debate in the weeks ahead.

CONSUMER REPORTS LABELS GOP MEDICAID PROPOSAL BUM DEAL FOR AMERICAN FAMILIES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 5 minutes.

Ms. DELAURO. Mr. Speaker, I would just say to the prior speaker that, in fact, that credit counselor would say, ''You are crazy.'' Crazy that in a difficult time economically for our country, that we are about to provide a $245 billion tax break for the wealthiest Americans. That is a free lunch for the wealthiest Americans.

Mr. Speaker, we have spent a lot of time in this Congress talking about the cuts in Medicare contained in the GOP budget. Democrats believe that those cuts go too far, too fast and would be harmful to the 37 million seniors who rely on Medicare for their basic health care.

But, it isn't just Medicare cuts which threaten the health security of our senior citizens. The proposed budget also makes deep cuts in Medicaid which put seniors and their families at risk.

Last week, the Consumers Union, better known as the publisher of Consumer Reports, warned that the Medicaid overhaul would add significant new financial burdens on husbands, wives, and adult children of nursing home residents that could force families into poverty. The group estimates that the $163 billion in proposed cuts will cause hundreds and thousands of nursing home residents to lose their Medicaid coverage.

We all know Consumer Reports as the publication that tells us if we're getting a good deal or a bum deal on a new car or a new computer. This time, they've looked at the Republican Medicaid proposal from a consumer's point of view and have declared it a bum deal for American families.

Currently, Medicaid covers 60 percent of nursing home patients nationwide. The average cost of nursing home care is approximately $38,000 a year. Without Medicaid, nursing home care would be beyond the reach of middle-income Americans.

According to the Consumers Union, families of nursing home residents can expect the following changes if these Medicaid changes are approved:

Adult children may be held financially liable for the nursing home bills of their parents.

Family assets including homes may be sold or seized by Medicaid liens.

No one is guaranteed Medicaid nursing home eligibility; States may set unreasonably low income levels so that thousands of people will be denied help in paying the high costs of nursing home care.

Families may be forced to spend their life savings for long-term care of a loved one.

A representative from the National Senior Citizens Law Center, Patricia Nemore, said of these changes: ''Congress is taking us back to a time when it was commonplace for Americans to lose their homes and their life savings to ensure that their husbands, wives, or parents had adequate nursing home care.'' She is right, this policy is wrong.

Yesterday, I met with people in my district who have parents in nursing homes. They told me that these changes would be devastating to their attempts to take care of their parents in their old age.

Jack and Patricia D'Urso of Branford, CT, have seven children and two parents, both in nursing homes. Without the help of Medicaid, they don't know how they would care for their parents. While comfortable in their retirement, they simply do not have the resources to pay approximately $80,000 a year to pay for long-term care of two parents.

Zelda Cooper of Hamden, CT, has two parents receiving nursing home care. She could not believe that Congress would consider ending the guaranteed coverage that her family relies on and has no idea how she would care for her parents should they be forced out of their nursing home.

Now, my Republican colleagues have made much ado of late about losing their message on the budget. They theorize that the American people aren't with them because they haven't heard the Republican message. The opposite is true. The message is coming through loud and clear to the American people. In fact, the more the American people know, the less they like the Gingrich budget.

It's not a bad message that is hurting Republicans, it's bad policy. It is bad policy to ask families to hawk their homes to pay for the nursing home care for loved ones. It is bad policy to impoverish middle-income families to balance the budget. That's why Consumer Reports has labeled the GOP Medicaid proposal is a bum deal for American families.

□ 1315

RECESS

The SPEAKER pro tempore (Mr. EVERETT). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 20 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

Rabbi Motty Berger, Aish HaTorah Yeshiva, Jerusalem, offered the following prayer:

In a sorely troubled world, filled with all too much hatred, violence, and human misery, we pray to You, dear God, for divine guidance; such guidance is needed for all of us, in and out of government, as we work toward a better day for all mankind. We pray to You, our Father, who taught us to love our neighbors and to seek peace, to imbue us with both the wisdom and the will to apply Your teachings in relations between nations as well as between individuals. Let us reflect on the enormous power available to mankind, power which we may use for good or evil, to build or to destroy. It is ours to choose: life or death. May we be inspired by the prophetic message, ''Not by might, nor by power, but by My spirit, saith the Lord of Hosts,'' and thereby choose life. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE.

The SPEAKER. Will the gentleman from Georgia [Mr. BARR] come forward and lead the House in the Pledge of Allegiance.

Mr. BARR led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO RABBI BERGER

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, it gives me great pleasure to introduce Rabbi Motty Berger who gave the opening prayer of today's session of the House of Representatives. I was fortunate enough to meet Rabbi Berger several years ago at the College of Jewish Studies in Jerusalem where my wife and I enrolled in one of his courses on Jewish philosophy. During a time of tremendous transition in the Jewish community, I found Rabbi Berger to be an extremely perceptive speaker on topics surrounding the heritage of the Jewish people. He talked passionately about his desire to promote the continuity of Jewish traditions and values.

Rabbi Berger was born and raised in the United States and after graduating high school attended Ner Israel Rabbinical School in Baltimore. After completing his rabbinical studies, he went on to teach Jewish philosophy in Jerusalem and became extremely active with the Aish HaTorah organization. This yeshiva has dedicated itself to creating a warm environment that promotes Jewish unity. With that said,

it is a tremendous honor to welcome Rabbi Motty Berger.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar scheduled for today be dispensed with.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AGREEMENT BETWEEN REPUBLICAN AND DEMOCRATIC OFFICIAL OBJECTORS RELATIVE TO PROCEDURES FOR CONSIDERATION OF PRIVATE CALENDAR

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that at this point in the RECORD there be inserted an agreement between the three Republican and three Democratic official objectors to the Private Calender relative to procedures used for the consideration of the Private Calendar during the 104th Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the agreement is as follows:

Mr. SENSENBRENNER. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the five House Calendars, the Private Calendar is the one to which all Private Bills are referred. Private Bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were Private Laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available—passed 1,031 Private Laws, as compared with 434 Public Laws. At the turn of the century the 56th Congress passed 1,498 Private Laws and 443 Public Laws—a better than three to one ratio.

Private bills were referred to the Committee on the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62nd Congress changed this produce by its rule XXIV, clause six which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 22, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that Act banned the introduction or the consideration of four types of private bills: first, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream, or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82nd Congress passed 1,023 Private Laws, as compared with 594 Public Laws. The 88th Congress passed 360 Private Laws compared with 666 Public Laws.

Under rule XXIV, clause six, the Private Calender is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the Committee reporting it. No reservation of objection is entertained. Bills unobjected to are considered in the House in the Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matter so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe to the newer Members the Official Objectors system the House has established to deal with the great volume of Private Bills.

The Majority Leader and the Minority Leader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the Floor ready to object to any Private Bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or questions about a particular Private Bill, he or she can get assistance from objectors, their clerks, or from the Member who introduced the bill.

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. The rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. This agreement adopted on December 5, 1995, the Members of the Majority Private Calendar Objectors Committee have agreed that during the 104th Congress, they will consider only those bills which have been on the Private Calendar for a period of seven (7) days, excluding the day the bill is reported and the day the calendar is called. Reports must be available to the Objectors for three (3) calendar days.

It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement.

This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: The gentleman from Wisconsin (Mr. Sensenbrenner), the gentleman from North Carolina (Mr. Coble), the gentleman from Virginia (Mr. Goodlatte), the gentleman from Virginia (Mr. Boucher), the gentleman from Maryland (Mr. Mfume), and the gentlelady from Connecticut (Mrs. DeLauro).

I feel confident that I speak from my colleagues when I request all Members to enable us to give the necessary advance consideration to private bills by not asking that we depart from the above agreement unless absolute necessary.

F. JAMES SENSENBRENNER, JR.
HOWARD COBLE.
BOB GOODLATTE.
RICK BOUCHER.
KWEISI MFUME.
ROSA DELAURO.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 20 1-minute speeches on each side.

DO THE RIGHT THING: BALANCE THE BUDGET IN 7 YEARS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the President has refused to negotiate a balanced budget, just 17 days after signing an agreement to balance the budget in 7 years. There are three plans out there: His plan, which did not get one vote in the Senate, went down 96 to 0; then the Democrat Coalition plan, which did get some votes and does balance in 7 years; but the best plan is the Republican plan.

The reason I believe so is because it has the discipline of a balanced budget. It will balance in 7 years. It is the right thing to do. We will never get there unless we have the discipline.

Second, it deals with the tough issues like welfare reform. We believe it is the right thing for people to work for what they get, and not just get a handout, so they can believe in themselves. We trust States like Kansas to do what is right for those truly in need.

The Republican plan also trusts parents by giving them a $500 per child tax break. It allows them to spend money on their children rather than the Government. It will strengthen families and it is the right thing to do.

Mr. Speaker, let us do the right thing for our country, for ourselves, and for

our children. Let us balance the budget in 7 years.

AMERICAN PEOPLE HAVE THE RIGHT TO FACTS ABOUT ETHICS INVESTIGATION INTO SPEAKER'S TIES TO GOPAC

(Mr. BONIOR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR. Mr. Speaker, the Hartford Courant says that the Ethics Committee investigation of Speaker GINGRICH has ''the foul odor of cover-up.'' How much longer is the Ethics Committee going to let this charade continue?

We now know that four members of the Ethics Committee—including the chairwoman herself—have ties to GOPAC. The same GOPAC which financed the Speaker's own campaigns to the tune of $250,000 a year.

The evidence against Speaker GINGRICH is so damning that last week, two of the three Republicans at the FEC voted to make their evidence public.

Mr. Speaker, I am here today to call on the chairwoman and the members of the Ethics Committee to fully disclose their ties to GOPAC. And I am calling on the Speaker himself to release the names of past GOPAC donors and release the list of past GOPAC expenses.

Mr. Speaker, if you've got nothing to hide, you've got nothing to be afraid of. But if you keep dragging your feet, the American people have a right to ask: what are you trying to hide?

AMERICAN PEOPLE WANT A BALANCED BUDGET AND NOT CHARACTER ASSASSINATION

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my friend, the minority whip, trying to whip this body into a rage with an editorial from the Hartford Courant. It is interesting, Mr. Speaker, to hear really the poster boy of American liberal journalism, Bob Woodward, on ''Meet the Press'' this weekend, saying in effect that all of these chargers were trumped up, that there was no reason to attack the Speaker on any of these things.

In fact what we see, Mr. Speaker, is a minority so bereft of ideas, so unwilling to come to the table, so unwilling to address the central question, which is balancing this budget in 7 years, that they will try any tactic of character assassination, any exaggeration, anything to avoid the point.

Mr. Speaker, the American people want it now, they want it simply, they want us to face up to the challenges they put us here to face up to. They want us to balance the budget and not to engage in character assassination.

GATORS SCORE SEC THREE-PEAT

(Mrs. THURMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. THURMAN. Mr. Speaker, for the Florida Gators, it's 12 down and 1 to go.

That's right, after thrashing the Arkansas Razorbacks 34 to 3 for a Southeastern Conference three-peat, the fighting Gators from the University of Florida will be meeting the Nebraska Cornhuskers in the Fiesta Bowl on January 2 to settle the question of who is the No. 1 team in the Nation.

Guess whom I'll be rooting for?

The undefeated Gators, led by the tactical brilliance of coach Steve Spurrier and the pinpoint accuracy of quarterback Danny Wuerffel, stomped 12 opponents during this record year. The Gator offense left their opponents dazzled and befuddled, while the defense did the rest.

Never before have the University of Florida Fighting Gators played for a national championship. To all the dedicated coaches and gifted athletes of the 1995 University of Florida football team—and on behalf of the proud alumni, congratulations on an already historic year.

And look out Nebraska, cause the Gators will be growling again in the Fiesta Bowl.

LET THE BEST TEAM WIN

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, I cannot let go unchallenged a laying down of the gauntlet like that from my friend, the gentlewoman from Florida [Mrs. THURMAN]. As a Cornhusker and a proud supporter of Tom Osborne and the next Heisman trophy winner, Tommie Frazier, we are looking forward to our January 2 meeting with the third Florida team in 3 years.

To refresh the memory of the gentlewoman from Florida, 2 years ago we lost to Florida State. Last year we beat the University of Miami for the national championship. This year we are looking forward to repeating our national claim to that trophy. We are anxious to have at our helm, a Florida individual from Bradenton, FL, Tommie Frazier, who we are all hoping will win that Heisman trophy award.

It is going to be a fun game. I will see my colleague in Florida, and we look forward to a great, great game. Let the best team win.

FORTY YEARS AGO TODAY

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, 40 years ago today, December 5, 1955, the Montgomery bus boycott began after Rosa Parks refused to give up her seat and move to the back of the bus. It marked the beginning of a long and difficult struggle toward equal rights and civil rights in this Nation.

Forty years later, those signs that I saw growing up in the rural south, those signs that said colored men, white men, colored women, white women, colored waiting, white waiting, are gone.

We have witnessed what I like to call a nonviolent revolution in America. It is a time and a period that we will never go back to, but we must never forget.

On the occasion of this important anniversary, I want to pay tribute to the leaders of that struggle, to Rosa Parks and to my late great mentor Dr. Martin Luther King, Jr.

We have come a long way toward achieving what Dr. King called the ''beloved community'', but we still have a long way to go. Let us, on this anniversary, rededicate ourselves to building a truly inter-racial democracy in America. For in truth, we are one nation, one people, one house, the American House.

IT IS TIME FOR PRESIDENT CLINTON TO GET SERIOUS ABOUT BALANCING THE BUDGET

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, President Clinton has said time and time again that he supports a balanced Federal budget. True, he has never actually proposed such a plan, but because of the Balanced Budget Act passed by this Congress, he has now got an opportunity to walk the walk, not merely talk the talk.

The President made a start last month when he agreed with this Congress to balance the budget in 7 years. Of course, the very next day, his chief of staff, Leon Panetta, told the American people that they should not read too much into that. But, Mr. Speaker, I am willing to take the President at his word, even if his own chief of staff apparently does not.

Mr. Speaker, the Congress has brought to the negotiating table a detailed balanced budget proposal. The President thus far has brought only press releases. The President can accept our plan, or he can tell us how much more he wants to spend and just where he is going to find the money to pay for it.

With a Federal debt at nearly $5 trillion, it is time for the President to get off the dime. Mr. President, let us work together to balance the budget.

VOTE AGAINST H.R. 2099, VA–HUD AND INDEPENDENT AGENCIES APPROPRIATIONS ACT

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, while I would like to commend the conferees on their efforts to increase funding for

veteran medical care, I must rise in opposition to H.R. 2099, the VA–HUD and Independent Agencies Appropriations Act.

Mr. Speaker, in its current form, this bill eliminates two programs which promoted comprehensive and effective economic growth in disadvantaged communities—the community development financial institutions and the economic development initiative fund.

Through these programs, low-income individuals were given the opportunity to start their own businesses, small children benefited from community centers that kept them off the streets after school, families gained access to safe and affordable housing and good business was generated for America's financial services industry.

Mr. Speaker, by eliminating these programs, we are launching a double assault on poor communities. In essence, we no longer reward those individuals who take responsibility for improving themselves and creating a better life for their children; while, we simultaneously remove incentives for financial institutions to invest in these communities as well.

Mr. Speaker, we need to commend programs such as the CDFI and EDI fund because they do offer low-income individuals a hand-up, not a hand-out, which I am sure my colleagues on both sides of the aisle can appreciate.

I would urge my colleagues to consider the long-term effect that this disinvestment in America's urban communities will have on this Nation's economy. With that said, I hope my colleague will join me in voting against H.R. 2099.

PRESIDENT SHOULD SIGN BALANCED BUDGET

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, I am no great defender of the Washington press corps, but let me share this quote from this week's Newsweek magazine:

> Unfortunately, the White House isn't yet truly bargaining. President Clinton has endorsed a balanced budget but has flagrantly misrepresented the GOP budget. He say it would ''destroy'' Medicare. This is an absurd description of a program whose spending would grow 62 percent by 2002. He says that ''deep'' education cuts would ''undermine'' schools. But the budget barely touches the largest education program—guaranteed college loans—and all Federal aid to public schools provides only 7 percent of their spending.

Newsweek is absolutely right. The President has only paid lipservice to balancing the budget. While he tries to portray the Republican budget as draconian and mean-spirited, he offers no plan of his own.

Instead of lipservice, the President should sign the balanced budget that is now sitting on his desk.

□ 1415

BOEING MOVES TO MEXICO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, earlier this year American workers in the Boeing Seattle plant won awards and trophies for worker productivity. Thirty days after the speeches and the trophies, Boeing is moving to Mexico; 2,000 more livable wage jobs down the chute.

The facts: Boeing paid $18 per hour labor wage in Seattle. Boeing will now pay 76 cents an hour labor wage in Mexico. And if you really want to spill your Wheaties, ladies and gentlemen, Mexico has yet to purchase one Boeing jet. Beam me up, Mr. Speaker.

The trade deficit is at a record. Japan and China are literally raping our shores. If you want to get a job in this country, move to Mexico. The biggest export for NAFTA has been American jobs. Shame, Congress. Shame for turning your back on the American workers. What will be left? A couple more McDonald's jobs. Think about it.

ANTITERRORISM LEGISLATION

(Mr. BARR asked and was given permission to address the House for 1 minute.)

Mr. BARR. Mr. Speaker, I am very happy to appear today as a member of the Committee on the Judiciary and a Member of this body very concerned about antiterrorism legislation that gives Government the tools it needs yet respects the rights of all of our citizens here to report to this House that we have worked out through the yeoman efforts of the gentleman from Illinois [Mr. HYDE] of the Committee on the Judiciary a piece of legislation that we intended to bring to the floor of this House very shortly and that goes a long way toward giving the Government the tools that it needs within the bounds of civil liberties, yet does not represent a vast expansion of Federal electronic surveillance power and intrusive technique and does not erode the very strict separation between military and domestic law enforcement by weakening posse comitatus.

I would like to report to the House that we will have before us a piece of legislation that will indeed strengthen our Government's hand to protect us against acts of terrorism yet is very mindful of the civil liberties that all of us, both individually and collectively, enjoy and should enjoy in this country.

NATO

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute.)

Mr. FUNDERBURK. Mr. Speaker, the Clinton administration is a constant source of amazement. It is ringing alarm bells about how American boys need to save NATO by getting knee deep in Bosnia. Yet, while it's preaching about saving NATO, it is championing the cause of an avowed Marxist to be NATO Secretary General.

Last week, the Clinton administration approved the selection of Javier Solana, Spain's Foreign Minister to lead NATO at this supposedly critical time. Mr. Speaker, let me tell you about Mr. Solana. He has spent his life attacking NATO and the United States. He led the Socialist Worker's Party campaign to impose communism on Spain. He is an ally and admirer of Fidel Castro. He is virulently anti-American and represents a country which is not even part of NATO's military command.

Mr. Speaker, Bill Clinton's argument that NATO will crumble in Bosnia without American troops is silly on its face, but to promote the likes of Javier Solana when American lives are on the line is nothing short of outrageous. If this is what Bill Clinton thinks of NATO, then the NATO's 'charter isn't worth the paper it's written on and it certainly isn't worth the life of one single American soldier.

BALANCED BUDGET ACT OF 1995

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, it's been more than 2 weeks since President Clinton promised to balance the budget in 7 years. He still doesn't have a plan, but don't worry America, there is a solution.

It's called the Balanced Budget Act of 1995. It's a 7-year plan to balance the budget and ensure a bright future for our children and it's waiting for the President's signature.

I know, I know, Mr. and Mrs. America, you've heard all about the draconian cuts in this bill. But the Balanced Budget Act increases spending by more than $2.5 trillion during the next 7 years. Medicare spending increases 62 percent, Medicaid spending increases 43 percent, student loan spending increases 49 percent.

Mr. Speaker, the President has it easy. We've already done the work. All he has to do is sign on the dotted line and he has helped save the next generation. Mr. Speaker, I hope he does the right thing—I hope the President signs the Balanced Budget Act of 1995.

BALANCE THE BUDGET NOW

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, Americans want Congress and the President to balance the budget and they want a plan now, not next year.

A public opinion survey of 7,200 registered voters show that when Americans are given the truth, they overwhelmingly favor the Republican proposal to balance the budget in 7 years.

Eighty-six percent believe ''The President and Congress should deal with the budget issue now'' compared to 9 percent who feel the issue should be put off until after next year's election.

Seventy-one percent believe that the President and Congress should submit a 7-year balanced budget scored by the nonpartisan Congressional Budget Office.

The Congress did this long ago.

Mr. Speaker, the Congress and the American people are eager to see the President's plan to balance the budget in 7 years. How else can we negotiate?

It's been 15 days since the President agreed to do this. The deadline is next Friday. Where's the President's 7 year balanced budget?

THE TRUTH ABOUT THE BUDGET

(Mr. TAYLOR of Mississippi asked and was given permission to address the House for 1 minute.)

Mr. TAYLOR of Mississippi. Mr. Speaker, the previous speaker, my friend from Maryland, said the American people want to know the truth about the Balanced Budget Act of 1995. I think they deserve it.

The Balanced Budget Act of 1995 will borrow $296 billion for the next fiscal year budget. It will borrow $118 billion from trust funds such as the Social Security trust fund that is supposed to be set aside to protect senior citizens Social Security payments in the future.

The Balanced Budget Act of 1995 will go on to borrow $75 billion and give most of that money away in tax breaks for America's wealthiest 12 percent.

I am glad my friend from Maryland wants to know the truth, and I have just given it to him. I hope the gentleman from Ohio [Mr. KASICH], and I hope all the Members of this body will correct the things that I just brought to our attention, because that is certainly not a balanced budget by anyone's scoring.

WAITING FOR THE PRESIDENT'S BUDGET

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, I draw your attention to this particular chart here. As of today, it has been 1,280 days since candidate Clinton promised a national audience on ''Larry King Live,'' ''I would present a 5-year plan if elected President to balance the budget.'' It has been 17 days, not 16, 17 days since the President promised in writing to sign a bill by the end of this year that balances the budget in 7 years using honest numbers.

We Republicans have done our job. We have sent the President a detailed fair budget plan to do just that. However, the President says he does not like our plan. Well, if that is the case, where is his plan? Let him put his plan on the bargaining table. That is negotiating in good faith.

Let me repeat that. If the President does not like our plan to balance the budget, then he should produce his own plan to balance the budget, not this. His budget has deficits in the range of $200 billion well into the next century. The American people are tired of all the cheap political talk coming out of the White House, the political posturing, the demagoguery. They want to see action. They want to see how the President proposes to balance the budget.

Mr. Speaker, it has been 17 days so far. We are still waiting for the President's balanced budget plan. How many more days will we have to wait until he keeps his promise and signs a budget?

USING HONEST NUMBERS

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, we have passed a budget that will be in balance in 7 years using honest numbers. Medicare spending will increase by 62 percent. Medicaid spending will increase by 43 percent. Student loan spending will increase by 48.5 percent. School lunch spending will increase by 37 percent. Mr. Speaker, we are $5 trillion in debt. We are allowing programs to continue to grow. We are making a responsible effort to balance our budget for the sake of our children and grandchildren's future.

What do we have from the President and other liberal Democrats? Nothing. Distortions. Misrepresentations. We have a plan to balance the budget; all they have is talk.

Mr. Speaker, some people would rather talk about balancing the budget. Some people don't want to make the hard choices. Some people just don't want to balance the budget. Meanwhile, we are working to protect the future for our children, to give them a chance for the American dream. That is what we were elected to do.

HELP THE PRESIDENT KEEP HIS WORD

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, perhaps the current budget negotiations should be terminated. They undermine the President's ability to keep his word to the American people.

In June 1992, then candidate Bill Clinton said he would balance the budget in 5 years. ''I would present a 5-year plan to balance the budget,'' he pledged to the voters. That means he will have to balance the budget by 1997, 2 years from now.

Maybe Republican leaders should not be negotiating with the administration to balance the budget in 7 years. Let President Clinton keep his contract with the American people and show us how he would balance the budget in 2 years.

Of course, we'd have more confidence that the President meant what he said if he had any plan to balance the budget.

The Federal Government should not spend more than it collects, for two reasons: First, it will help the economy and the American people. Second, it will help President Clinton keep his word.

BALANCING THE BUDGET

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute.)

Mr. CHRYSLER. Mr. Speaker, Congress and the President are now in the midst of a great debate about balancing the budget. The President has at one time or another promised to implement many of the items contained in Congress' Balanced Budget Act that is now on his desk.

He said he wanted serious welfare reform. He said he wanted to balance the budget in 7 years. And he also said that he wanted to give tax relief to working, middle-class American families.

But yet he persists in saying that the Republicans only want to give tax breaks to the rich. This is pure fantasy.

This chart clearly shows that the vast overwhelming majority of our $500 per-child tax credit goes to those making less than $75,000. In fact, 89 percent of this tax break goes to the middle class.

Mr. Speaker, the President should end the scare tactics, sign the Balanced Budget Act, and give tax relief to working families.

PROTECT THE ENVIRONMENT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, we should make sure that we reach agreement on the Interior bill, the environmental bill. The House has rejected this extremist measure and, now that the American people have spoken, that we want to have mining reform, that we want to stop logging in the Tongass, that we want to deal with our parks in a sensible way, that it makes sense to come back with a moderate bill that the President can sign. Many times the House has said to those that want to gut the environment, we do not want that. We want you to reach agreement on this issue.

We are making progress on this, but let us put this appropriation bill to bed. There are so many appropriations bills that have not been dealt with that are still in controversy, that at least

this one, where the American people are behind bipartisan efforts of our side and moderate Republicans to reach agreement, let us proceed with this bill at least as a start. The American people want to protect the environment.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Banking and Financial Services, Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Transportation and Infrastructure, and Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after the debate has concluded on all motions to suspend the rules.

BIG THICKET NATIONAL PRESERVE LAND EXCHANGE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 826) to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, as amended.

The Clerk read as follows:

H.R. 826

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) under the Big Thicket National Preserve Addition Act of 1993 (Public Law 103–46), Congress increased the size of the Big Thicket National Preserve through authorized land exchanges;

(2) such land exchanges were not consummated by July 1, 1995, as required by Public Law 103–46; and

(3) failure to consummate such land exchanges by the end of the three-year extension provided by this Act will necessitate further intervention and direction from Congress concerning such land exchanges.

SEC. 2. TIME PERIOD FOR LAND EXCHANGE.

(a) EXTENSION.—The last sentence of subsection (d) of the first section of the Act entitled ''An Act to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes'', approved October 11, 1974 (16 U.S.C. 698(d)), is amended by striking out ''two years after date of enactment'' and inserting ''five years after the date of enacment''.

(b) INDEPENDENT APPRAISAL.—Subsection (d) of the first section of such Act (16 U.S.C. 698(d)) is further amended by adding at the end the following: ''The Secretary, in considering the values of the private lands to be exchanged under this subsection, shall consider independent appraisals submitted by the owners of the private lands.''.

(c) LIMITATION.—Subsection (d) of the first section of such Act (16 U.S.C. 698(d)), as amended by subsection (b), is further amended by adding at the end the following: ''The authority to exchange lands under this subsection shall expire on July 1, 1998.''.

SEC. 3. REPORTING REQUIREMENT.

Not later than six months after the date of the enactment of this Act and every six months thereafter until the earlier of the consummation of the exchange or July 1, 1998, the Secretary of the Interior and the Secretary of Agriculture shall each submit a report to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate concerning the progress in consummating the land exchange authorized by the amendments made by Big Thicket National Preserve Addition Act of 1993 (Public Law 103–46).

SEC. 4. LAND EXCHANGE IN LIBERTY COUNTY, TEXAS.

If, within one year after the date of the enactment of this Act—

(1) the owners of the private lands described in subsection (b)(1) offer to transfer all their right, title, and interest in and to such lands to the Secretary of the Interior, and

(2) Liberty County, Texas, agrees to accept the transfer of the Federal lands described in subsection (b)(2),

the Secretary shall accept such offer of private lands and, in exchange and without additional consideration, transfer to Liberty County, Texas, all right, title, and interest of the United States in and to the Federal lands described in subsection (b)(2).

(b) LANDS DESCRIBED.—

(1) PRIVATE LANDS.—The private lands described in this paragraph are approximately 3.76 acres of lands located in Liberty County, Texas, as generally depicted on the map entitled ''Big Thicket Lake Estates Access—Proposed''.

(2) FEDERAL LANDS.—The Federal lands described in this paragraph are approximately 2.38 acres of lands located in Menard Creek Corridor Unit of the Big Thicket National Preserve, as generally depicted on the map referred to in paragraph (1).

(c) ADMINISTRATION OF LANDS ACQUIRED BY THE UNITED STATES.—The lands acquired by the Secretary under this section shall be added to and administered as part of the Menard Creek Corridor Unit of the Big Thicket National Preserve.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from New Mexico [Mr. RICHARDSON] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 826, sponsored by Mr. WILSON of Texas, would extend the authority previously granted to the Park Service to conduct land exchanges with private owners and the Forest Service at the Big Thicket National Preserve. These exchanges will add critical acreage to the park unit. Because of the lack of progress by the respective agencies, this legislation is necessary to facilitate expansion of the Big Thicket National Preserve as mandated by the 103d Congress.

Mr. WILSON has worked cooperatively with the committee and the agencies to find a way to promptly facilitate this noncontroversial land exchange. This legislation will extend the deadline for completion of these exchanges by 3 years or until July 1, 1998. Because we are interested in these exchanges occurring in a prompt manner, this bill will also terminate the authority of the Park Service to conduct this exchange if the new deadline is not met. Moreover, there is a requirement that the agencies report back to the committee every 6 months on the progress of the exchange. Last, included in the text is the authorization to complete a very minor exchange necessary to provide emergency access to an inholder in times of flooding. This will exchange 3.76 acres of private lands for 2.38 acres of park lands. This is a noncontroversial exchange supported by both the landowner and the Park Service.

I urge my colleagues to support H.R. 826 for the betterment of the Big Thicket National Preserve.

☐ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, I rise in support of H.R. 826, introduced by my good friend and colleague, Representative CHARLIE WILSON. It is a disappointment that the Big Thicket National Preserve land exchanges that were previously authorized have not been completed. Representative WILSON introduced H.R. 826 to extend the deadline for completion of these exchanges. I am gold to see that the bill extends the time period. However, it appears that the gun is being put to the head of the National Park Service to get the land exchanges completed, when it does not appear that the National Park Service is the problem in getting the exchanges done. I hope that the committee amendment's triggering mechanism will not be necessary and that these exchanges can be completed quickly.

I would also note, Mr. Speaker, that the committee amendment includes an additional land exchange that had not been previously discussed. I understand that this small exchange is one the National Park Service supports and that

it is dependent on a third party making available lands that the National Park Service wants. I have no objection to this particular exchange, with the understanding that it is one that the National Park Service supports and that it can and will be carried out properly.

Mr. Speaker, H.R. 826 will facilitate the acquisition of lands within the Big Thicket National Preserve that have significant environmental and recreational values. This is a worthy effort that Representative WILSON has been working on for years. I support the bill, as amended, and urge its adoption by the House.

Mr. WILSON. Mr. Speaker, today the House will consider H.R. 826, a bill to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas.

As you know, under the Big Thicket National Preserve Addition Act of 1993, Public Law 103–46, Congress increased the size of the Big Thicket National Preserve through certain authorized land exchanges.

Unfortunately, the land exchanges were not consummated by the July 1, 1995 deadline as required by law, hence the need for my bill H.R. 826. This legislation merely extends the original deadline to July 1, 1998, thus providing the appropriate congressional authorization.

Assurances have been given by officials of the U.S. Department of Agriculture, the U.S. Department of the Interior, and the private landowners involved, that the land exchanges will be successfully completed by July 1, 1998.

I urge my colleagues to support this bill.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 826, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, passed.

The title of the bill was amended so as to read: ''A bill to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas, and for other purposes''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 826, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

AMENDING THE DOUG BARNARD, JR.—1996 ATLANTA CENTENNIAL OLYMPIC GAMES COMMEMORATIVE COIN ACT

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2336) to amend the Doug Barnard, Jr.—1996 Atlanta Centennial Olympic Games Commemorative Coin Act, and for other purposes.

The Clerk read as follows:

H.R. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHANGES IN COIN SPECIFICATIONS.

Section 102 of the Doug Barnard, Jr.—1996 Atlanta Centennial Olympic Games Commemorative Coin Act (91 U.S.C. 5112 note) is amended—

(1) in the table at the end of subsection (a)—

(A) by striking ''Not more than 175,000 each of 2 coins of different designs'' and inserting ''2 coins of different designs, in quantities not to exceed 175,000 of each design''; and

(B) by striking ''Not more than 300,000 each of 2 coins of different designs'' and inserting ''2 coins of different designs, in quantities not to exceed 100,000 of the first design and not to exceed 150,000 of the second design'';

(2) in the table at the end of subsection (b)—

(A) by striking ''Not more than 750,000 each of 4 coins of different designs'' and inserting ''4 coins of different designs, in quantities not to exceed 750,000 of each design''; and

(B) by striking ''Not more than 1,000,000 each of 4 coins of different designs'' and inserting ''4 coins of different designs, in quantities not to exceed 350,000 of each of the first 2 designs, and not to exceed 500,000 of each of the remaining 2 designs''; and

(3) by striking subsection (c) and inserting the following:

''(c) HALF DOLLAR CLAD COINS.—

''(1) SPECIFICATIONS.—The Secretary shall issue not more than 8,000,000 half dollar coins, each of which shall—

''(A) weight 11.34 grams;

''(B) have a diameter of 30.61 millimeters;

''(C) be minted to the specifications for half dollar coins under section 5112(b) of title 31, United States Code; and

''(D) contain an inscription of the year '1995' or '1996', as the Secretary determines to be appropriate.

''(2) DESIGNS.—Coins issued under paragraph (1) shall be of 4 designs selected in accordance with this Act in such quantities as the Secretary determines to be appropriate.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] will be recognized for 20 minutes, and the gentleman from New York [Mr. FLAKE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 2336, a measure that lowers the minting levels of the Atlanta Olympia commemorative coins. I am grateful to enjoy the support of Representative JAMES A. LEACH, chairman of the Committee on Banking and Financial Services. On the other side of the aisle, Representative GONZALEZ, former committee chairman; Representative FLAKE, the ranking member of the subcommittee; and Representative FRANK of Massachusetts have provided their strong support for this legislation, and I am very appreciative of their efforts. I must also acknowledge the valued input and support of Representatives BARR, LUCAS, and METCALF of the subcommittee.

Mr. Speaker, the Subcommittee on Domestic and International Monetary Policy of the House Banking and Financial Services Committee has primary jurisdiction over the commemorative coin programs of the U.S. Mint. This legislation is supported by the Atlanta Committee, the U.S. Mint, the Citizens Commemorative Coin Advisory Committee [CCCAC], and the Georgia congressional delegation.

Mr. Speaker, H.R. 2336 amends the mintage levels in section 102 of the 1996 Atlanta Olympic Games Commemorative Coin Act. The maximum 1996 minting of the two gold coins, previously authorized for 600,000 for both, is reduced to a total of 250,000. The 1996 minting of $1 silver coins is reduced from 4 million total of four designs to a sum total of 1.7 million. Half-dollar coins, originally slated for a minting of 10 million, are reduced to 8 million over 2 years. These reductions are necessary for the success of the program.

Mr. Speaker, this bill is supported by the people and groups that will be directly affected; namely, the Atlanta Committee, the people of Georgia, and the Citizens Commemorative Coin Advisory Committee. They realize that unless the rate of sales are increased, the Atlanta Olympic commemorative coin program will not achieve its potential. By lowering the mintage levels, collector interest should be stimulated, and the overall program would be enhanced. This bill is necessary for the success of the Atlanta Olympic coin program, and I urge its immediate adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2336, a measure to amend the Doug Barnard, Jr. 1996 Atlanta Centennial Olympic Games Commemorative Coin Act. The Georgia delegation, in bipartisan cooperation, has sponsored this bill which will protect the integrity of the commemorative process. More importantly, however, the bill will ensure the integrity of the Atlanta games next summer.

Mr. Speaker, the Atlanta Centennial Olympic Games will be a milestone for both peace and sport. The games represent the largest peacetime event in world history, and in the tradition of Olympic competition, the games will become the beacon of 100 years of goodwill and sportsmanship.

Currently, Olympic coin sales are lagging, and to put it bluntly, Congress has authorized too many coins. Today, however, we will allow the American public to contribute to the success of

this event by encouraging collectors to purchase United States 1996 Olympic coins.

Purchases of Olympic coins provide the public its best chance to display support for the U.S. Olympic team and the Atlanta centennial Olympic games. In return for its support, the American public gets valuable, historic, and sentimental mementos.

Mr. Speaker, by purchasing Olympic coins, we will allow our athletes to go for the gold. To support that goal, four official coins are now available as follows:

First, a gold $5 coin;

Second, two silver dollars; and

Third, and one nonprecious half-dollar.

These are the first of 16 various coins to be issued by the Mint in support of the 1996 games. The attractive coins will capture the grace of gymnastics, the speed and strength of track and field, and the certain excitement of dream team 2 as the United States reaches for gold in basketball. I therefore encourage the American public, and my colleagues, to embrace this opportunity, and to cherish these symbols of peace and sportsmanship. I encourage unanimous support for this bill, and I strongly support our Olympic effort in Atlanta next summer.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Speaker, I want to take a moment to thank Mr. CASTLE, the chairman of the Subcommittee on Domestic and International Monetary Policy and his staff for working with me and my staff in moving this important legislation to consideration by the full House. I would like to recognize the efforts of Mr. FLAKE and Mr. FRANK in support of this bill, and would also like to commend the Atlanta Committee on the Olympic Games [ACOG] for their hard work on the Olympic Commemorative Coin Program and the Olympic games as a whole. ACOG has done the State of Georgia proud, in fact the entire country should be proud of their efforts and we look forward to the fruits of their labor next summer. Mr. Speaker, H.R. 2336 is critical to the continued success of the 1996 Olympic Commemorative Coin Program.

As we consider this legislation, I want to make it clear at the outset: This legislation does not create a new commemorative coin program. Instead it reduces the mintage of an existing program, and provides flexibility to the mint to print a greater ratio of the more popular general sale coins. When this program was initiated the mintage level was set to conduct the most aggressive Olympic Coin Program ever. With the reduction in mintage, the program will still be aggressive, however we are allowing a greater potential for success.

H.R. 2336 is supported by the Altanta Committee on the Olympic Games [ACOG], the United States Mint, and the numismatic community. In fact, by lowering the mintage on the gold and silver coins, ACOG and the U.S. Mint have responded to those in the numismatic community who have said that the mintage levels are too high. They believe that by lowering the mintage levels, the value of the coins will increase and the numismatics will take a second look at purchasing these coins.

In addition, H.R. 2336 would lower the mintage levels for the 1995 and 1996 clad coins from 10,000,000 to 8,000,000, and would provide the mint the flexibility to mint more of the popular clad coins, for example basetball and baseball.

I believe that with this flexibility the general public sales will also increase.

It is important to recognize the 1996 Olympic Coin Program is not in trouble or faltering. Sales for the 1995 Olympic coins are strong especially in the international community. Unfortunately Olympic coin sales to the U.S. numismatic community have not been as good as anticipated. With this legislation we expect to build on the well-established success of the Olympic Coin Program.

As seen by other legislation before the House this Congress is in the process of reigning in and reforming commemorative coin programs. H.R. 2336 is consistent with those efforts. A successful coin program is good for the Federal budget and good for the American taxpayer.

Again, Mr. Speaker, this legislation makes changes to the Atlanta Centennial Olympic Coin Program, and does not create a new commemorative coin program. This is very simply a technical change to an already existing program.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to commend the gentleman from Texas [Mr. GONZALEZ], the ranking member of the full Committee on Banking and Financial Services, who has spent a great deal of time in giving not only support to, but helping to shape this piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just add that the gentleman from Georgia [Mr. BARR] has been tremendously helpful in the formulation of this legislation and watching over it very carefully. The gentleman calls me constantly on it, and I appreciate that. He kept us on the straight and narrow.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. NORWOOD], who has been concerned about this legislation.

Mr. NORWOOD. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, I feel strongly that we should pass H.R. 2336. The 1996 Summer Olympic Games in Atlanta is a great event for both my State and this Nation, but with this legislation I want to also acknowledge the original author of this act, one of my predecessors from Georgia's 10th District, Representative Doug Barnard.

My friend Doug Barnard was first elected in 1978 and served until 1992 and was a consistent voice for fiscal restraint. He was a boll weevil Democrat who served his district and his country well. He supports the action that I hope the House will take today in passing this legislation.

All of us in Georgia look forward to hosting the world in 1996 and are pleased that there will be U.S.-minted coins to commemorate this historic event. I thank my friend Mr. BARR for his diligent work on this legislation and I urge its adoption.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Delaware [Mr. CASTLE], the chairman of the committee, for the means by which he has brought this bill forward. I think all of us know that the Olympics are not only important for America, but they are important for world peace.

I would also like to thank the gentleman from Georgia [Mr. BARR]. He has driven this process extremely well. I thank the gentleman for the kind of cooperation that all of our staffs have shared in making sure that this particular commemorative coin legislation not only will get to the floor, but out of the House.

More importantly, I think all of us are focused on the Olympics in 1996, knowing that this is one of the places where we can remove all the walls and barriers that separates us, and come together with the spirit of peace and love, a spirit of sharing and caring for one another.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

☐ 1445

Mr. CASTLE. Mr. Speaker, I would like to echo the words of the distinguished ranking member of this committee, the gentleman from New York [Mr. FLAKE]. He has been a tremendous pleasure to work with throughout my tenure as the chairman of this subcommittee. Hopefully, we will have as much peace in the world as we have had in our subcommittee in terms of getting things done.

The gentleman has been very helpful in resolving problems. There was a problem here, as was pointed out to us by the two speakers from Georgia and other individuals, with the Atlanta Olympic Committee, and we recognized it. The sales are strong, but with some changes in tailoring in what we were doing, it was felt that we could move ahead. We were able to address that, and we did it in a way that will be beneficial to everybody, and I am pleased to have the opportunity to be here to help present that.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to thank my colleague from Georgia for

the work he has done on this bill. As he has said, it is a simple, noncontroversial bill to help the 1996 Olympic games.

I am proud to represent the city of Atlanta, which will host the 1996 games. I know many of my colleagues on both sides of the aisle have supported this effort. I would like to thank all my colleagues for their hard work and their support. I believe that the 1996 Olympics, when we celebrate the 100th anniversary of the games, will be the best Olympics ever.

This bill governs the production of commemorative coins for the 1996 games. These coins will commemorate an Olympics that will highlight the best of Atlanta, GA and the United States. We will witness the largest coming together in history of people of different nations, religions, and heritage. The Olympics not only celebrate athletic accomplishment, they celebrate diversity, peace, and our ability to overcome our differences and unite as a people. We all can learn something from the Olympic message.

I urge my colleagues' support for H.R. 2336.

Mr. GONZALEZ. Mr. Speaker, I rise in support of H.R. 2336, legislation which amends the Doug Barnard, Jr.—1996 Atlanta Centennial Olympic Games Commemorative Coin Act.

This bill was introduced by Congressman BOB BARR, a member of the Banking Committee from the State of Georgia. He is joined today by his Democratic and Republican colleagues from the Peach State in cosponsoring H.R. 2336, a bill to significantly change the marketing strategy for the sale of Olympic commemorative coins. Revenues from the sale of these coins will be used to support the Olympic games in Atlanta.

Unfortunately, the projected sale of the coins does not appear to be as successful as anticipated when we first considered the Olympic coin program. Today we take corrective measures that make good marketing sense and should result in a restructured coin program to maximize profits for the Olympic Committee.

I commend the chairman of the Banking Subcommittee on domestic and international monetary policy, Chairman MICHAEL CASTEL, and the ranking Democratic member of the subcommittee, Congressman Floyd Flake, for their work in bringing this bill to the floor in a timely fashion.

Mr. CASTLE. Mr. Speaker, I ask for unanimous support for the legislation and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EVERETT). The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE], that the House suspend the rules and pass the bill, H.R. 2336.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2336, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

COMMEMORATIVE COIN AUTHORIZATION AND REFORM ACT OF 1995

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2614) to reform the commemorative coin programs of the U.S. Mint in order to protect the integrity of such programs and prevent losses of Government funds, to authorize the U.S. Mint to mint and issue platinum and gold bullion coins, and for other purposes.

The Clerk read as follows:

H.R. 2614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Commemorative Coin Authorization and Reform Act of 1995''.

TITLE I—COMMEMORATIVE COIN PROGRAM REFORM

SEC. 101. RECOVERY OF MINT EXPENSES REQUIRED BEFORE PAYMENT OF SURCHARGES TO ANY RECIPIENT ORGANIZATION.

(a) CLARIFICATION OF LAW RELATING TO DEPOSIT OF SURCHARGES IN THE NUMISMATIC PUBLIC ENTERPRISE FUND.—Section 5134(c)(2) of title 31, United States Code, is amended by inserting '', including amounts attributable to any surcharge imposed with respect to the sale of any numismatic item'' before the period.

(b) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—Section 5134 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(f) CONDITIONS ON PAYMENT OF SURCHARGES TO RECIPIENT ORGANIZATIONS.—

''(1) PAYMENT OF SURCHARGES.—Notwithstanding any other provision of law, no amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall be paid from the fund to any designated recipient organization unless—

''(A) all numismatic operation and program costs allocable to the program under which such numismatic item is produced and sold have been recovered; and

''(B) the designated recipient organization submits an audited financial statement which demonstrates to the satisfaction of the Secretary of the Treasury that, with respect to all projects or purposes for which the proceeds of such surcharge may be used, the organization has raised funds from private sources for such projects and purposes in an amount which is equal to or greater than the maximum amount the organization may receive from the proceeds of such surcharge.

''(2) ANNUAL AUDITS.—

''(A) ANNUAL AUDITS OF RECIPIENTS REQUIRED.—Each designated recipient organization which receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such amount, for an annual audit, in accordance with generally accepted government auditing standards by an independent public accountant selected by the organization, of all such payments to the organization beginning in the first fiscal year of the organization in which any such amount is received and continuing until all amounts received by such organization from the fund with respect to such surcharges are fully expended or placed in trust.

''(B) MINIMUM REQUIREMENTS FOR ANNUAL AUDITS.—At a minimum, each audit of a designated recipient organization pursuant to subparagraph (A) shall report—

''(i) the amount of payments received by the designated recipient organization from the fund during the fiscal year of the organization for which the audit is conducted which are derived from the proceeds of any surcharge imposed on the sale of any numismatic item;

''(ii) the amount expended by the designated recipient organization from the proceeds of such surcharges during the fiscal year of the organization for which the audit is conducted; and

''(iii) whether all expenditures by the designated recipient organization during the fiscal year of the organization for which the audit is conducted from the proceeds of such surcharges were for authorized purposes.

''(C) RESPONSIBILITY OF ORGANIZATION TO ACCOUNT FOR EXPENDITURES OF SURCHARGES.—Each designated recipient organization which receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall take appropriate steps, as a condition for receiving any such payment, to ensure that the receipt of the payment and the expenditure of the proceeds of such surcharge by the organization in each fiscal year of the organization can be accounted for separately from all other revenues and expenditures of the organization.

''(D) SUBMISSION OF AUDIT REPORT.—Not later than 90 days after the end of any fiscal year of a designated recipient organization for which an audit is required under subparagraph (A), the organization shall—

''(i) submit a copy of the report to the Secretary of the Treasury; and

''(ii) make a copy of the report available to the public.

''(E) USE OF SURCHARGES FOR AUDITS.—Any designated recipient organization which receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may use the amount received to pay the cost of an audit required under subparagraph (A).

''(F) WAIVER OF PARAGRAPH.—The Secretary of the Treasury may waive the application of any subparagraph of this paragraph to any designated recipient organization for any fiscal year after taking into account the amount of surcharges which such organization received or expended during such year.

''(G) NONAPPLICABILITY TO FEDERAL ENTITIES.—This paragraph shall not apply to any Federal agency or department or any independent establishment in the executive branch which receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item.

''(H) AVAILABILITY OF BOOKS AND RECORDS.—An organization which receives any payment from the fund of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item shall provide, as a condition for receiving any such payment, to the Inspector General of the Department of the Treasury or the Comptroller General of the United States, upon the request of such Inspector General or the Comptroller General, all books, records, and workpapers belonging to or used by the organization, or by any independent

public accountant who audited the organization in accordance with subparagraph (A), which may relate to the receipt or expenditure of any such amount by the organization.

''(3) USE OF AGENTS OR ATTORNEYS TO INFLUENCE COMMEMORATIVE COIN LEGISLATION.—No portion of any payment from the fund to any designated recipient organization of any amount derived from the proceeds of any surcharge imposed on the sale of any numismatic item may be used, directly or indirectly, by the organization to compensate any agent or attorney for services rendered to support or influence in any way legislative action of the Congress relating to such numismatic item.

''(4) DESIGNATED RECIPIENT ORGANIZATION DEFINED.—For purposes of this subsection, the term 'designated recipient organization' means any organization designated, under any provision of law, as the recipient of any surcharge imposed on the sale of any numismatic item.''.

(c) SCOPE OF APPLICATION.—The amendments made by this section shall apply with respect to the proceeds of any surcharge imposed on the sale of any numismatic item which are deposited in the Numismatic Public Enterprise Fund after the date of the enactment of this Act.

(d) REPEAL OF EXISTING RECIPIENT REPORT REQUIREMENT.—Section 303 of Public Law 103—186 (31 U.S.C. 5112 note) is hereby repealed.

SEC. 102. CITIZENS COMMEMORATIVE COIN ADVISORY COMMITTEE.

(a) FIXED TERMS FOR MEMBERS.—Section 5135(a)(4) of title 31, United States Code, is amended to read as follows:

''(4) TERMS.—Each member appointed under clause (i) or (iii) of paragraph (3)(A) shall be appointed for a term of 4 years.''.

(b) CHAIRPERSON.—Section 5135(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

''(6) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be elected by the members of the Advisory Committee from among such members.''.

SEC. 104. COMMEMORATIVE CIRCULATING COIN PROGRAM.

(a) IN GENERAL.—The Citizens Commemorative Coin Advisory Committee shall develop a recommendation for a multiyear commemorative coin program involving the circulating coins of the United States which would supersede other commemorative coin programs for the years the commemorative circulating coin program is in effect.

(b) REPORT TO CONGRESS.—The Citizens Commemorative Coin Advisory Committee shall submit a report to the Congress before the end of the 6-month period beginning on the date of the enactment of this Act on the recommendations developed by the committee pursuant to subsection (a), together with such recommendations for legislative or administrative action as the committee determines to be necessary or appropriate with respect to such recommendations.

TITLE II—PLATINUM AND GOLD BULLION COINS

SEC. 201. PLATINUM COINS.

(a) IN GENERAL.—Section 5112 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(k) PLATINUM COINS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Treasury may mint and issue platinum coins in such quantity and of such variety as the Secretary determines to be appropriate.

''(2) SPECIFICATIONS.—Platinum coins minted under this subsection shall meet such specifications with respect to diameter, weight, design, and fineness as the Secretary, in the Secretary's discretion, may prescribe from time to time.

''(3) LEGAL TENDER.—The coins minted under this subsection shall be legal tender, as provided in section 5103 of title 31, United States Code.

''(4) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this subsection shall be considered to be numismatic items.

''(5) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this subsection, there shall be—

''(A) a designation of the value of the coin and the weight of the platinum content of the coin;

''(B) an inscription of the year in which the coin is minted or issued; and

''(C) inscriptions of the words 'Liberty', 'In God We Trust', 'United States of America', and 'E Pluribus Unum'.

''(6) SALE PRICE.—

''(A) BULLION.—The bullion versions of the coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

''(i) the market value of the bullion at the time of the sale; and

''(ii) the cost of minting, marketing, and distributing the coins (including labor, materials, dies, use of machinery, and promotional and overhead expenses).

''(B) PROOF VERSIONS.—Proof versions of the coins issued under this Act may be sold by the Secretary at a price equal to the sum of—

''(i) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping); and

''(ii) a reasonable profit.

''(7) BULK SALES.—The Secretary may make bulk sales of the coins issued under this subsection at a reasonable discount.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5112(j)(1) of title 31, United States Code, is amended by inserting '', (i), or (k)'' after ''subsection (e)''.

SEC. 202. AMERICAN EAGLE GOLD COINS AUTHORIZED TO BE PRODUCED IN 2 OR MORE DESIGNS, WEIGHTS, DIAMETERS, OR FINENESSES SIMULTANEOUSLY.

Section 5112(i)(4) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

''(C) CONTINUED MINTING TO STATUTORY SPECIFICATIONS AFTER DETERMINATION TO MINT COINS TO CHANGED SPECIFICATIONS.—Notwithstanding any other provision of this section, the Secretary may continue to mint and issue coins in accordance with the specifications contained in paragraphs (7), (8), (9), and (10) of subsection (a) and paragraph (1)(A) of this subsection at the same time the Secretary is minting and issuing other coins under this subsection in accordance with such specifications, varieties, quantities, designations, and inscriptions as the Secretary may determine to be appropriate.''.

TITLE III—MINT MANAGERIAL STAFFING REFORM

SEC. 301. MODERNIZATION OF THE MANAGEMENT STRUCTURE.

Section 5131 of title 31, United States Code, is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 2614, a measure that protects the American taxpayer and maintains the integrity of the U.S. Mint's coin programs. I am grateful to enjoy the support of Representative JAMES LEACH, chairman of the Committee on Banking and Financial Services. On the other side of the aisle, Representative GONZALEZ, former committee chairman, Representative FLAKE, the ranking member of the subcommittee, Representatives MALONEY, WATT, and FRANK of Massachusetts have provided their strong support for this legislation, and I appreciate their efforts. I would also like to acknowledge the valuable input and support of Representatives BARR, LUCAS, KELLY, NEY, FOX, and METCALF of the subcommittee. Representative JOHN OLVER, although not a committee member, has also provided immeasurable support and generous guidance in bringing this bill to the floor today.

Mr. Speaker, the Subcommittee on Domestic and International Monetary Policy has primary jurisdiction over the Commemorative Coin Programs of the U.S. Mint. This legislation reforms those programs following recommendations by the administration and the Citizens Commemorative Coin Advisory Committee [CCCAC], received both in testimony before the subcommittee on July 12, 1995, and in CCCAC's First Annual Report to Congress, released in November, 1994. This bill also addresses the concerns of the numismatic collectors, who purchase 90 percent of commemorative coin issues. No longer will the saturation of the market threaten the value of their collections, nor with they be the sole support for beneficiary causes of uncertain popularity.

Title I, which covers Commemorative Coin Program Reform, amends section 5134 of U.S.C. title 31, and prohibits disbursement of surcharges to recipient organizations unless and until all Mint costs for that coin have been fully recovered. With both previous and current programs, surcharges were disbursed as coins were sold, at times putting Government moneys at risk. It is our hope that this will also help to keep in check the marketing costs, undertaken by the Mint, that have been requested by recipient organizations.

The maximum surcharge disbursement to a recipient organization is limited to the amount received from separate fund raising by that organization. No longer will organizations depend exclusively on surcharges for funding projects. This reform will insure that beneficiary organizations are not simply created to receive the proceeds of commemorative coins but requires that they demonstrate an adequate and independent measure of public support.

Annual audits will be required of the recipient organizations, with an accounting of all surcharge moneys and verification of the authorized use of surcharge moneys. In addition, title I

forbids any recipient organization from using surcharges for lobbying activities, thereby maintaining the original purpose of the surcharge moneys.

Title I shortens the length of service for members of the CCCAC to a term of 4 years, and allows for the election of a chairperson by and from committee members. This makes for a better reflection of the appointing administration and does not extend the appointees' mandate far beyond it. H.R. 2614 calls for the CCCAC to develop recommendations for a multiyear Commemorative Coin Program, along the lines of the popular bicentennial quarter. No surcharges are collected on this type of commemorative, which makes the hobby of coin collecting affordable and accessible to the broadest public.

Title II permits the issuance of plantium and gold bullion coins by amending section 5112 of U.S.C. title 31. The Secretary of the Treasury would have the authority to determine the quantity, variety, and physical specifications of these coins. The price would be that of the bullion plus cost of manufacture, with a reasonable profit added for proof versions. Minting of two or more designs of the American Eagle gold coins, with specifications determined by the Secretary, would be allowed.

Title III eliminates, at the administration's request, nine political positions not filled by the current administration.

Mr. Speaker, H.R. 2614 goes a long way toward correcting problems that threatened to destroy the Commemorative Coin Program. Commemorative coins are a benefit, not only to numismatic enthusiasts and the recipient organizations but also by reaffirming our history, to our Nation as a whole. This bill links public funding of special projects to demonstrated private support, and discourages groups from demanding superfluous coins. It prevents the further abuse of the coin collecting community by groups lacking general public support. This bill must be passed if the Commemorative Coin Program is to survive and even flourish in the current environment with reduced levels of demand. I urge its immediate adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would first like to congratulate the gentleman from Delaware [Mr. CASTLE] and his staff for working diligently this year on a number of coin-related issues. Moreover, I join with him today in support of H.R. 2614, which will make minor, but vital, changes in our process of minting commemorative coins.

Mr. Speaker, in the past, I have supported various types of legislation to mint commemorative coins. Since assuming the role of ranking member on the authorizing committee, however, I have become more aware of the crisis in the commemorative coin process. My fellow colleagues, you would be amazed at the intensity of the debate on this issue. All those in favor of new coins, and those who vehemently oppose them, continually execute overwhelming lobbying campaigns. The result is that the Banking Committee always has a broad spectrum of opinions as to which coins deserve to be included in the Mint's commemorative series.

As political favors, and with good intentions, Members of Congress continually introduce new coin legislation. Consequently, the Banking Committee, and the Mint have drowned in a sea of commemoratives. The net result is that Congress has burdened the Mint with numerous coins which diminish the Mint's capacity to mint regular coins, and which further cause the Mint to operate at a higher cost.

The numismatic community also has problems with the current state of affairs in the commemorative process. The onslaught of commemoratives has the negative effect of decreasing the value of coins to the collector. This in turn discourages purchases, and leaves the Mint holding the proverbial ''bag'' in that it is stuck with coins it cannot sell.

H.R. 2614 mends this process. By making clear that we will give primary consideration to recommendations from the Citizens Commemorative Coin Advisory Committee, and by requiring stringent audits, we will ensure integrity in the process. Furthermore, by requiring that the Mint recover its costs before surcharges are released to recipient groups, we will protect the vital fiscal interest of the Government.

Finally, Mr. Speaker, this legislation authorizes the minting of platinum and gold bullion coins. Again this will encourage increased purchases, and opens a new competitive market for precious metal coins. It is my hope that this bill passes with unanimous support.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, no recognition other than, again, to thank the gentleman from New York [Mr. FLAKE] for the work he has done. This particular piece of legislation did take some dealings with various groups and individuals in order to work out some of the differences, and we were able to do so.

If the gentleman is prepared to yield back, I am as well.

Mr. FLAKE. Mr. Speaker, I yield myself 1 minute to thank the gentleman from Delaware [Mr. CASTLE] and his staff. Again, this really is a great subcommittee Domestic and International Monetary Policy. The gentleman from Delaware [Mr. CASTLE] and I have been able to have an excellent relationship. Our staffs relate excellently, and that is the reason we can bring bills to the floor and move them so easily.

Mr. GONZALEZ. Mr. Speaker, I strongly recommend that all Members of the House of Representatives today vote to pass H.R. 2416, the Commemorative Coin Authorization and Reform Act of 1995.

Our colleague, Congressman MICHAEL CASTLE of Delaware, introduced this bill and, as chairman of the Banking Committee's Domestic and International Monetary Policy Subcommittee, chaired a markup of the bill which resulted in a unanimous vote for this legislation.

This important legislation provides critical reform of our Nation's commemorative coin program. The reforms contained in this bill have been suggested and endorsed by the administration and the Mint's Citizens Commemorative Coin Advisory Committee. Among some of the more noteworthy changes are provisions that disallow payment of any surcharges resulting from the sale of the coins until and unless the cost to the U.S. Mint for the coin has been recovered. In addition, the organization which receives the surcharge must submit audited financial statements showing receipts of donations from private sources greater than the potential proceeds of coin surcharges.

Further, the recipient organization will be required to submit an annual audit of all surcharge payments indicating all revenues and expenditures and verification that all expenditures were for authorized purposes. For example, because of this bill, surcharge moneys for a program to build a memorial could not be used for the general support of the sponsoring organization.

In summary, Mr. Speaker, in our vote today, we will ensure the financial integrity of the commemorative coin program. Passage of H.R. 2614 will reinforce the public's confidence in the program and I commend Chairman CASTLE and the ranking Democratic member of the subcommittee, Congressman FLOYD FLAKE, for their work in bringing this bill to the floor today.

I urge an ''aye'' vote.

Mr. FLAKE. Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 2614.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2614, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

HOPEWELL TOWNSHIP INVESTMENT ACT OF 1995

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 308) to provide for the conveyance of certain lands and improvements in Hopewell Township, PA, to a

nonprofit organization known as the Beaver County Corporation for Economic Development to provide a site for economic development.

The Clerk read as follows:

H.R. 308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hopewell Township Investment Act of 1995''.

SEC. 2. CONVEYANCE OF LAND.

(a) ADMINISTRATOR OF GENERAL SERVICES.—Subject to sections 3 and 4, the Administrator of General Services (hereinafter in this Act referred to as the ''Administrator'') shall convey, without compensation, to a nonprofit organization known as the ''Beaver County Corporation for Economic Development'' all right, title, and interest of the United States in and to those pieces or parcels of land in Hopewell Township, Pennsylvania, described in subsection (b), together with all improvements thereon and appurtenances thereto. The purpose of the conveyance is to provide a site for economic development in Hopewell Township.

(b) PROPERTY DESCRIPTION.—The land referred to in subsection (a) is the parcel of land in the township of Hopewell, county of Beaver, Pennsylvania, bounded and described as follows:

(1) Beginning at the southwest corner at a point common to Lot No. 1, same plan, lands now or formerly of Frank and Catherine Wutter, and the easterly right-of-way line of Pennsylvania Legislative Route No. 60 (Beaver Valley Expressway); thence proceeding by the easterly right-of-way of Pennsylvania Legislative Route No. 60 by the following three courses and distances:

(A) North 17 degrees, 14 minutes, 20 seconds West, 213.10 feet to a point.

(B) North 72 degrees, 45 minutes, 40 seconds East, 30.00 feet to a point.

(C) North 17 degrees, 14 minutes, 20 seconds West, 252.91 feet to a point; on a line dividing Lot No. 1 from the other part of Lot No. 1, said part now called Lot No. 5, same plan; thence by last mentioned dividing line, North 78 degrees, 00 minutes, 00 seconds East; 135.58 to a point, a cul-de-sac on Industrial Drive; thence by said cul-de-sac and the southerly side of Industrial Drive by the following courses and distances;

(i) By a curve to the right having a radius of 100.00 feet for an arc distance of 243.401 feet to a point.

(ii) Thence by a curve to the right having a radius of 100.00 feet for an arc distance of 86.321 feet to a point.

(iii) Thence by 78 degrees, 00 minutes, 00 seconds East, 777.78 feet to a point.

(iv) Thence, North 12 degrees, 00 minutes, 00 seconds West, 74.71 feet to a point.

(v) Thence by a curve to the right, having a radius of 50.00 feet for an arc distance of 78.54 feet to a point.

(vi) Thence North 78 degrees, 00 minutes, 00 seconds East, 81.24 feet to a point.

(vii) Thence by a curve to the right, having a radius of 415.00 feet for an arc distance of 140.64 feet to a point.

(viii) Thence, South 82 degrees, 35 minutes, 01 second East, 125.00 feet to a point.

(ix) Thence, South 7 degrees, 24 minutes, 59 seconds West, 5.00 feet to a point.

(x) Thence by a curve to the right, having a radius of 320.00 feet for an arc distance of 256.85 feet to a point.

(xi) Thence by a curve to the right having a radius of 50.00 feet for an arc distance of 44.18 feet to a point on the northerly side of Airport Road.

(2) Thence by the northerly side thereof by the following:

(A) South 14 degrees, 01 minute, 54 seconds West, 56.94 feet to a point.

(B) Thence by a curve to the right having a radius of 225.00 feet for an arc distance of 207.989 feet to a point.

(C) Thence South 66 degrees, 59 minutes, 45 seconds West, 192.08 feet to a point on the southern boundary of Lot No. 1, which line is also the line dividing Lot No. 1 from lands now or formerly, of Frank and Catherine Wutter.

(3) Thence by the same, South 75 degrees, 01 minutes, 00 seconds West, 1,351.23 feet to a point at the place of beginning.

(c) DATE OF CONVEYANCE.—The date of the conveyance of property required under subsection (a) shall be not later than the 90th day following the date of the enactment of this Act.

(d) CONVEYANCE TERMS.—

(1) TERMS AND CONDITIONS.—The conveyance of property required under subsection (a) shall be subject to such terms and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States. Such terms and conditions shall be consistent with the terms and conditions set forth in this Act.

(2) QUITCLAIM DEED.—The conveyance of property required under subsection (a) shall be by quitclaim deed.

SEC. 3. LIMITATION ON CONVEYANCE.

No part of any land conveyed under section 2 may be used, during the 30-year period beginning on the date of conveyance, for any purpose other than economic development.

SEC. 4. REVERSIONARY INTEREST.

(a) IN GENERAL.—The property conveyed under section 2 shall revert to the United States on any date in the 30-year period beginning on the date of such conveyance on which the property is used for a purpose other than economic development.

(b) ENFORCING REVERSION.—The Administrator shall perform all acts necessary to enforce any reversion of property to the United States under this section.

(c) INVENTORY OF PUBLIC BUILDINGS SERVICE.—Property that reverts to the United States under this section shall be under the control of the General Services Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Ohio [Mr. TRAFICANT] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland, [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 308, a bill to provide for the conveyance of certain lands and improvements in Hopewell Township, PA, to a nonprofit organization known as the Beaver County Corporation for Economic Development.

The Hopewell Township Investment Act of 1995 was introduced in Congress for the purpose of making certain property productive for the benefit of the Hopewell community. This legislation will accomplish this by directing GSA to transfer this property, at no cost, to the Beaver County Corporation for economic development, a nonprofit corporation certified by the Commonwealth of Pennsylvania.

The property is 15.94 acres of narrow shaped land which runs in east-west direction, approximately 7 miles northwest of Pittsburgh International Airport, and is improved primarily by a concrete block building of 43,000 square feet containing warehouse space. As of September 23, 1993, the property was designated as surplus and placed on GSA's surplus property inventory.

The Beaver County Corporation for Economic Development, in cooperation with Hopewell Township, plans to utilize this property as the centerpiece of a Hopewell Aliquippa Airport industrial park and thereby promote economic development and create needed jobs for the people of Hopewell Township. This property was originally used in light manufacturing. It was acquired in 1981 by the Federal Government as a staging center for emergency—mine—operations under the Mine Safety and Health Administration of the Department of Labor. Hopewell Township, in anticipation of this Federal facility, invested $225,000 in infrastructure improvements. The facility, however, never opened, and has sat vacant for over 14 years. This community has lost over $250,000 in tax revenue from the Federal jobs that were committed to this facility, and the economy has lost over $21 million in lost wages because of the Government's decision not to live up to a commitment. Returning this property to productive use is fitting and appropriate.

I strongly urge all Members to support this measure.

☐ 1500

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member of the Committee on Transportation and Infrastructure.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT], the distinguished ranking member of the subcommittee, and compliment him, and the gentleman from Maryland [Mr. GILCHREST], for the splendid work they have done on this whole series of legislation we bring to the House floor this afternoon. They are important bills and in a cooperative fashion, they bring to the House very sound legislation, including this particular bill to transfer surplus property in Hopewell Township, to an organization known as the Beaver County Corporation for Economic Development.

Mr. Speaker, the significance of this action is that this will provide an opportunity to create jobs, jobs in Beaver County, an area that I have traveled to in the past and know quite well, having seen the unemployment, the severe dislocation in this area of the steel valley, the whole steel county to which my district in northeastern Minnesota is tied.

We produce the taconite, or steel ore, to produce this basic building block of

American industry, steel. But as steel has suffered dislocation over the last decade and a half, so have the people and the communities and the townships. The only way to create job opportunities to succeed those that have passed from the scene because of the downsizing of steel is to make property available for new businesses to locate there.

This legislation will achieve that objective by requiring the General Services Administration to transfer this land at no cost to the Beaver County Corporation for Economic Development. The corporation, in cooperation with Hopewell Township, will use this property as the centerpiece for the Hopewell Aliquippa Airport and Industrial Park to promote economic development and create jobs.

Mr. Speaker, wherever we can, we should be alert to opportunities to link property transfer to airports, to industrial park opportunities to create jobs. We have seen the enormous engine of growth that airports represent for job creation in this country.

Mr. Speaker, I congratulate the gentleman from Pennsylvania [Mr. KLINK] for the time that he has put in with Hopewell Township and with the Beaver County Economic Development Corporation. I know, from 15 years ago, what a splendid organization this is. It is a high-minded, hard-working, public-private cooperation initiative that has worked together to create jobs in this distressed area.

Mr. Speaker, I am very happy we are able to bring this legislation to fruition today, and I thank the gentleman for his work and thank the ranking member for his leadership.

Mr. GILCHREST. Mr. Speaker, I have no additional speakers, and I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KLINK], a fine, outstanding representative from this area, a friend of mine who is basically the individual who has brought this bill forward.

Mr. Speaker, we passed this bill last year. The other body did not act on some of these measures, and the gentleman from Pennsylvania [Mr. KLINK] has done a tremendous job. I want to thank him, as an old, fit quarterback, for the efforts he has made.

Mr. KLINK. Mr. Speaker, as an old, good quarterback, we have taken some hints from the play book of the gentleman from Ohio [Mr. TRAFICANT] and have scrambled around on this and avoided being sacked. The Senate did not take action on this, but the House unanimously adopted a very similar proposal a year ago.

Mr. Speaker, I really want to take time to thank the gentleman from Maryland [Mr. GILCHREST] for his amazing work on this. The gentleman has consulted with me on this bill as he has seen me throughout the halls of Congress, making sure we are doing the right thing.

Mr. Speaker, I thank the gentleman from Minnesota [Mr. OBERSTAR] for his concern, and the gentleman from Tennessee [Mr. DUNCAN] helped us last year. Staff has done a remarkable job on this. We are really doing God's work here.

Mr. Speaker, I will not repeat all the things, because I think the gentleman from Minnesota and the gentleman from Maryland have touched the highlights on the economics of this. But the gentleman from Minnesota [Mr. OBERSTAR] was in Beaver County. Hopewell Township sits on a hill outside of a town called Aliquippa, PA. Back in the early 1980's, in 1 day, a 7½-mile long steel mill shut down and 13,000 people were out of work. In 1 day.

The main street of this community, once known as Franklin Avenue, is now called Plywood Alley, because the stores are boarded shut. Slowly, hope is coming back to the community. What we are doing today is saying the Federal Government has no need for this property. The local government has put money into this. We put a quarter of a million dollars into improving the roads and sewers and a lot more work needs to be done, and rather than allowing the property to sit vacant and not letting anything happen to it, let us do the right thing. Let us get it back on the tax rolls, get workers supporting their families back on this property again.

Mr. Speaker, let us fix this building which has holes in the roof. In fact, September 8, 1994, we had a very tragic plane accident. Flight 427 crashed very near this site. The FAA, and others who were investigating, were looking at using this building to try to recreate what happened as they attempt to investigate this accident. This is a building which the Federal Government owns, and still they could not even use the building.

Mr. Speaker, so much needs to be done. We cannot ask the municipality and the county to continue to put money into fixing this site if the Federal Government is just going to sit on it and let this property go to waste. I will tell my colleagues, when was first elected to office, the businesspeople from Beaver County, who were both Republicans and Democrats, came to me and asked me about this.

Mr. Speaker, I think it is great that in a bipartisan move we come together as members of the Republican Party and Democratic Party today and say, Let us do the right thing and pass H.R. 308.

Mr. Speaker, I thank all of the Members for their support. I thank the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Ohio [Mr. TRAFICANT], and staff, Rick Barnett and Susan Brita, and John George from my staff has done yeoman's work on this.

Mr. Speaker, I urge support for this legislation.

Mr. Speaker, today I wish to express my thanks to chairman and fellow Pennsylvanian BUD SHUSTER, Ranking member JIM OBERSTAR, and the other members of the Committee on Transportation and Infrastructure for their assistance with my bill, the Hopewell Township Investment Act of 1995 (H.R. 308).

The purpose of this bill is to promote economic development and to create jobs in Hopewell Township at a site near Aliquippa, PA. H.R. 308 replaces the Federal Government's caretaker role at the property with local initiative that will produce jobs and revenues.

Specifically, H.R. 308 accomplishes this goal by transferring an abandoned Federal facility from the General Services Administration to the Beaver County Corporation for Economic Development [CED].

The CED is a nonprofit corporation that has the responsibility for spurring economic development and bringing new businesses in a portion of my congressional district in western Pennsylvania.

Using 100 percent Commonwealth of Pennsylvania funding, the CED has a proven track record of transforming rough-cut properties into economic development diamonds that create jobs and generate tax revenues.

The CED supports this legislation and it will mold the Hopewell site from a no job-no tax liability into a job and revenue producing asset.

This legislation relinquishes Federal control of the site that has lasted for 14 years. The Mine Safety and Health Administration operated the site initially. Since the late 1980's the General Services Administration [GSA] has been its caretaker.

In 1987, the Mine Safety and Health Administration announced plans to consolidate its activities by locating additional operations at this site and creating 200 new jobs. At that time, this site served as the staging area for the Federal Government's response to mine disasters in the eastern United States.

In anticipation of attracting a larger Federal presence, Hopewell Township and the Criswell Heights Water District spent $225,000 to upgrade the site with sewer and road improvements.

Bowing to pressure from a member of the other body, the Mine Safety and Health Administration moved its consolidation to Beckley, WV, and in the process transferred its Hopewell operation there. Rather than gaining a new Federal workforce, our area lost 20 Federal employees in the consolidation.

So as you can see this was a situation where the glass started out half-full, the locality poured its resources into topping off the glass. Unfortunately, the glass is now empty and riddled with holes.

In addition to losing $225,000 in site improvements, the local government—Beaver County, schools and Hopewell Township—have not received one cent in local taxes from this property. That adds up to a revenue lost of $18,300 annually or $256,200 over 14 years.

The consolidation of the Mine Health and Safety Administration has resulted in an annual payroll at its Beckley, WV, facility of $2.66 million since 1987 or $21.28 million that would have been injected into the economy of Pennsylvania.

Add up all of these expenses and the Federal Government has been responsible for a net loss of $21,761,200 to my area.

Currently, the property includes an abandoned one-story block building that has gaping holes in its roof. Having toured the site, I can

attest to the fact that the building is dilapidated and it has become a target for vandals.

The CED has committed as much as $1 million to renovate the building by fixing its roof, adding brand new plumbing and wiring as well as installing a parking lot and improving road access.

Once the CED takes over the property it will use State funding only and on Federal money for the building renovation and other improvements to ready the property for an industrial client.

My bill clears the deck so the CED can use this site to recruit industry, create jobs, and put it back on the tax rolls. This legislation will enable the Hopewell Township, rather the Federal Government, to determine its own destiny.

I want to express my sincere thanks to my friends: Public Building and Economic Development Subcommittee Chairman WAYNE GILCHREST, ranking member JIM TRAFICANT as well as their staff members, Rick Barnett and Susan Brita, and John George of my staff for their guidance and stalwart support during the bill's hearing and throughout the legislative process.

Mr. Speaker, I urge support for this legislation.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Maryland [Mr. GILCHREST] for the fine job he has done in directing this subcommittee and for his fairness and for his address to detail, and for his staff, Rick Barnett, and others, working with Susan Brita on our staff.

Mr. Speaker, this is a worthwhile bill. This region of the country has been decimated. This is a modest step taken to try and help individuals to help themselves. The ideology of the gentleman from Pennsylvania [Mr. KLINK] in attempting to forge business and private and public relationships in that particular valley make an awful lot of sense. They are beginning to make progress and the gentleman is starting to impact upon the legislative aspect here.

Mr. Speaker, I will close by thanking the gentleman from Minnesota [Mr. OBERSTAR]. During his tenure here on public works, and the work that he has been involved with over the years, for taking time to come to this troubled region to learn and understand it. Every one of us in that region want to thank the gentleman from Minnesota for the efforts he has taken over the years to understand our problems.

Hopefully, Mr. Speaker, before much more time passes, we will have the gentleman from Maryland [Mr. GILCHREST], the gentleman from Pennsylvania [Mr. SHUSTER], and others participate as well.

Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. KLINK] for the tremendous job that he has done as an old pit quarterback.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I echo the words of my colleagues in thanking the staff on both sides of the Committee on Transportation and Infrastructure and the subcommittee. I do think that we have made large gains and maybe a touchdown pass with our efforts to deal with the legislative business of the Nation in a very cooperative, nonpartisan manner. I appreciate the Members on that side of the aisle.

With that, Mr. Speaker, I urge an ''aye'' vote on this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EVERETT). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 308.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JAMES LAWRENCE KING FEDERAL JUSTICE BUILDING

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 255) to designate the Federal justice building in Miami, FL, as the ''James Lawrence King Federal Justice Building.''

The Clerk read as follows:

H.R. 255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal Justice Building located at 99 Northeast Fourth Street in Miami, Florida, shall be known and designated as the ''James Lawrence King Federal Justice Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''James Lawrence King Federal Justice Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 255, a bill to designate the Federal justice building in Miami, FL, as the James Lawrence King Federal Justice Building. Judge King is an esteemed and respected U.S. district judge who advocated improved judicial administration, and devoted countless hours to the improvement of our justice system. Among his many accomplishments, Judge King served as 1 of 23 members of the Judicial Conference of the United States. He was the Chairman of the Conferences' Implementation Committee on Admission of Attorneys to Federal Practice and was a member of the Judicial Ethics Committee. In addition to his tenure as chief judge for the U.S. district court of Florida, Judge King served as chief U.S. district judge for the Panama Canal Zone and as a judge on the U.S. Court of Appeals, compiling over 200 published opinions. Judge King was instrumental in promoting the construction of the new Federal justice building.

I urge all Members to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I am happy to join my colleagues in supporting this legislation and compliment the gentleman from Florida [Mr. HASTINGS] and the gentlewoman from Florida [Mrs. MEEK] for leading the way on this legislation to honor Judge James Lawrence King, who has so ably presided over the Court for the Southern District of Florida.

Judge King was a native of Florida; graduate of the University of Florida; got his law degree from that institution; served in the U.S. Air Force; served in private law practice, and in 1964 was appointed a circuit judge in the 11th Judicial Circuit for the State of Florida.

He continued a very distinguished legal career, in 1984, becoming chief judge, and then took senior status in 1991. The Judge is still working a full caseload, as is so characteristic of most of our senior judges, that is those who take senior status, they continue to show up for work every day in their office and decide on important cases.

In this particular instance, we are giving fitting tribute to a distinguished jurist who deserves this honor for his vision, for his stewardship, and for the lasting contribution that he has made to the body of law in this country, and particularly in some of the very, very complex cases that he handled in the 11th District.

Mr. Speaker, I am greatly pleased to join my colleagues, Mr. HASTINGS and Mrs. MEEK of Florida in supporting H.R. 255, a bill to honor Judge James Lawrence King of the Southern District of Florida.

Judge King, a native Floridian, graduated from the University of Florida and in 1953 received his law degree from that institution. From 1953 to 1955 he served his country with distinction as a lieutenant in the U.S. Air Force. After several years in private law practice, Judge King was appointed in 1964 Circuit Judge to the Eleventh Judicial Circuit of the State of Florida. He was appointed to the Federal bench in 1970 and continued his distinguished legal career. In 1984 he became the Chief Judge, and when his term expired in 1991 Judge King took senior status. Today, he still retains a full caseload.

Judge James Lawrence King has exhibited outstanding leadership and dedication to his profession. It is fitting and proper to honor

Judge King for his vision and effective stewardship by designating the Federal Justice Building in Miami in his honor.

I urge adoption of H.R. 255.

Mr. TRAFICANT. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. HASTINGS], one of the authors of this bill, along with the gentlewoman from Florida [Mrs. MEEK].

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT], my good friend, and for his stewardship in allowing this bill to come before the House at this time. As well, I would like to thank the gentleman from Maryland [Mr. GILCHREST] for the extraordinary work that he has put forward, and I also thank the gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the committee.

Mr. Speaker, I thank all of these Members and their staffs, as well as a staff member of mine, Ann Jacobs, who has worked very actively in this particular matter.

Mr. Speaker, I rise today to express my support for H.R. 255, legislation to name the Federal Justice Building in Miami, FL as the James Lawrence King Justice Building.

Judge King's career as a U.S. District Judge, especially his effective and much praised administration as Chief Judge, is exemplary and worthy of honor. Among many accomplishments, Judge King served as 1 of 23 members of the Judicial Conference of the United States and as the Chairman of the Conferences' Implementation Committee on Admission of Attorneys to Federal Practice. He was also a member of the Conferences' Judicial Ethics Committee.

Judge King was a Chief U.S. District Judge for the Panama Canal Zone and, on numerous occasions, as a judge on the U.S. Court of Appeals. He has compiled over 200 published opinions. Judge King has been a member of the Judicial Council of the Eleventh Circuit Administrative Conference and a member of the Long Range Planning Committee for the Federal Judiciary.

Of course, the main reason Judge King deserves this honor is his dedication to the new Federal Justice Building. While many community leaders contributed to its construction, no one labored more selflessly or provided greater leadership than Judge King. For without Judge King acting almost as the architect, builder, contractor, and decorator, this building would not be standing today.

Because of Judge King's determination and attention to all of the details, his effective stewardship of the U.S. District Court of Florida during his tenure as Chief Justice, and his proven commitment to improving the administration of justice, Judge King is singularly worthy of having the new Federal Justice Building named in his honor.

□ 1515

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Judge King has enjoyed a long and distinguished career, as evidenced by the comments of the gentleman from Minnesota [Mr. OBERSTAR], the gentleman from Maryland [Mr. GILCHREST], and the gentleman from Florida [Mr. HASTINGS].

He is right now on senior status. He is carrying a full caseload so he is not getting that much rest, from what I understand. Evidently as a graduate of the University of Florida, he is an individual supporter of Steve Spurrier and the Gators, hoping that they will knock off Nebraska.

I do not know if he wanted that said here, but his career has been so outstanding that it is an honor to bring this legislation brought forward by a good friend and very fine Representative, the gentleman from Florida [Mr. HASTINGS], the gentlewoman from Florida [Mrs. MEEK], to our committee. With that, I would ask everybody to vote ''aye.''

Mrs. MEEK of Florida. Mr. Speaker, I want to commend my friend, Congressman ALCEE HASTINGS, for introducing the bill before us today, H.R. 255, which would designate the Federal building in Miami as the James Lawrence King Federal Building. No one deserves this honor more than Judge King.

Judge James Lawrence King was born in Miami in 1927. He attended the University of Florida, earning both his undergraduate and law degrees. While in school, he first entered public life, serving as chairman of a campus political party and as a member of the honor court, the executive council, the president's cabinet, the hall of fame, and as president of Florida Blue Key.

After graduation, James King started his long record of public service by joining the Air Force. After 2 years with the Judge Advocate General's Department, he returned to Miami Beach to practice law. Soon after that, he was appointed circuit judge for the Eleventh Judicial Circuit of Florida. While serving on the circuit court, he was temporarily assigned as a justice of the Supreme Court of Florida and to the Second, Third, and Fourth District Courts of Appeal of Florida. During this time, Judge King also served as a member of the board of regents of Florida.

In 1970, James Lawrence King was appointed to be a U.S. district judge for the Southern District of Florida by President Nixon. Since then, he has been appointed by the Chief Justice to several committees of the Judicial Conference of the United States and was appointed by Chief Justice Rehnquist to be a member of the Long Range Planning Committee for the Federal Judiciary. On several occasions Judge King was specially designated to serve as a judge of the U.S. Court of Appeals for the Fifth and Eleventh Circuits.

In 1992, Judge James Lawrence King elected to take senior status. Remaining active, he is on the Eleventh Circuit Judicial Council and has recently completed a 7-year term as chief judge of the U.S. District Court for the Southern District of Florida.

For his long, distinguished service to the United States and to our community, Judge James Lawrence King has earned our support, our respect, and our thanks. It would only be fitting that Miami's new Federal building, a building dedicated to the principles of public service and justice, be named for the man who best exemplifies these ideals, Judge James Lawrence King. I urge my colleagues to join me in honoring Judge King by supporting H.R. 255.

Ms. ROS-LEHTINEN. Mr. Speaker, I wish to endorse the naming of the Federal Justice Building in Miami, FL in honor of Chief Judge James Lawrence King. The naming of such a building is not to be done lightly. We reserve that honor for those who have given of themselves, in an extraordinary manner, to the betterment of their community and the Nation. Judge King is such a man.

All who have worked with Judge King have been impressed with his leadership and authority. My husband, Dexter Lehtinen, who was the U.S. attorney for south Florida, worked closely with the judge to facilitate the speedy administration of justice at a time when the problem of drug smuggling was taxing the court system to the breaking point. My husband was impressed with Judge King's dedication and commitment to the highest professional standards.

For a turbulent quarter of century, Judge King served on the Federal bench, but his public service long predates his appointment as a Federal judge. Judge King was a member of the Judge Advocate General Corps of the U.S. Air Force. In addition to being a Federal judge, he has served at every level of the court system of Florida, from circuit judge to associate judge of the State district court of appeals to associate justice of the Florida Supreme Court.

Judge King has won respect for his legal scholarship as well as his administrative leadership. He is the author of over 200 published opinions in Federal court and was called on by the late Chief Justice Warren Burger to preside over trials in eight other Federal district courts.

Judge King has also lent his considerable energy to reforming both the judiciary and the education system. He served on the board of control of the State university system. He has been elected or appointed to various commission and panels charged with the reform of the Federal bench. Additionally, he was designated chief judge for the Panama Canal Zone.

His vision and leadership are responsible, in large part, for this Federal building and, therefore, it is fitting and proper that this structure should carry his name. I wholeheartedly endorse this action.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I, too, urge support of the bill. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 255.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

BRUCE R. THOMPSON UNITED STATES COURTHOUSE AND FEDERAL BUILDING

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 395) to designate the United States courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, Nevada, as the ''Bruce R. Thompson United States Courthouse and Federal Building''.

The Clerk read as follows:

H.R. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse and Federal building to be constructed at the southeastern corner of Liberty and South Virginia Streets in Reno, Nevada, is designated as the ''Bruce R. Thompson United States Courthouse and Federal Building''.

SEC. 2. LEGAL REFERENCES.

Any reference in any law, regulation, document, record, map, or other paper of the United States to the courthouse and Federal building referred to in section 1 is deemed to be a reference to the ''Bruce R. Thompson United States Courthouse and Federal Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Ohio [Mr. TRAFICANT] each will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 395, a bill to designate the United States Courthouse and Federal Building under construction in Reno, NV, as the ''Bruce R. Thompson United States Courthouse and Federal Building.'' Judge Thompson was one of Nevada's most prominent and respected men in law and held a long and highly distinguished career. Judge Thompson was a graduate of the University of Nevada and received his law degree from Stanford Law School. His accomplishments include service as Assistant U.S. Attorney for the district of Nevada, special master for the U.S. district court of the district of Nevada, and appointment to the U.S. district court by President John F. Kennedy. Additionally, Judge Thompson served a term as president of the Ninth Circuit District judges and a term as president of the Nevada State Bar Association. He was also a regent and chairman of the State planning board. He held memberships in the American Bar Association, the American Law Institute, the American Judicature Society, the Institute of Judicial Administration, and the American College of Trial Lawyers. Virtually every legal organization in Nevada has unanimously passed a resolution in favor of naming the courthouse in honor of Judge Thompson. The entire Nevada congressional delegation supports this legislation. H.R. 395 is an appropriate tribute to a fine public servant and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], distinguished ranking member.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, again, I thank the senior Democrat on the subcommittee, the gentleman from Ohio [Mr. TRAFICANT], for the work that he has done on this legislation, chairman of the subcommittee, the gentleman from Maryland [Mr. GILCHREST], and our colleague, the gentlewoman from Nevada [Mrs. VUCANOVICH], who has been a sponsor of this legislation.

As with other bills that we are considering this afternoon, this, too, was reported from our committee in the last Congress, passed the House and languished in the other body. We are happy to have this opportunity to bring forward this legislation.

It honors a very distinguished jurist who so served the State and the national judicial system that he has won widespread support and the naming has won endorsement from virtually every organization with interest in the law in the State of Nevada. And the Nevada State legislature passed a resolution endorsing the naming of the Federal courthouse in Reno to honor Judge Thompson.

With that kind of support, we ought to move ahead. It is fitting. It is proper. It is appropriate for us to take this step.

Mr. Speaker, I rise in support of H.R. 395, honoring Judge Bruce R. Thompson, who has enjoyed a full and distinguished judicial career.

Judge Thompson graduated from the University of Nevada and received his law degree from Stanford Law School. He practiced law for 27 years, when he served as Assistant U.S. Attorney for the District of Nevada from 1942 to 1952, and as special master for the U.S. District Court of the District of Nevada from 1952 to 1953. Judge Thompson was also president of the Nevada State Bar Association from 1955 to 1956. Following a term as regent to the State Planning Board in 1959, he served as its chairman from 1960 to 1961. In 1963, he was appointed U.S. District Judge by President John F. Kennedy, and as a jurist, has earned the respect of his colleagues.

H.R. 395 has received widespread support and the endorsement of virtually every legal organization in the State of Nevada. The Nevada State legislature has passed a resolution endorsing the naming of the Federal courthouse in Reno in honor of Judge Thompson. It is fitting and proper to recognize the career of Judge Thompson in this manner.

I join the Nevada delegation in their support of H.R. 395, and commend Congresswoman VUCANOVICH for her leadership on this bill.

Mr. GILCHREST. Mr. Speaker, I yield 5 minutes to the gentleman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I want to thank the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Pennsylvania [Mr. SHUSTER]. This is a very important bill to me.

Mr. Speaker, I rise today in support of H.R. 395, legislation to name the new Federal courthouse in Reno, NV after the late Judge Bruce R. Thompson.

I cannot think of a more deserving Nevadan on which to bestow this honor, Mr. Speaker. Judge Thompson was one of Nevada's most prominent, respected and beloved men in Nevada jurisprudence and led a long and highly distinguished career. After graduating from the University of Nevada and Stanford law school, he practiced law with George Springmeyer and later Mead Dixon for 27 years until 1963. He served as Assistant U.S. Attorney for the District of Nevada from 1942 to 1952 and as special master for the U.S. District Court of the District of Nevada from 1952 to 1953.

Judge Thompson was also president of the Nevada State Bar Association from 1955 to 1956. And, following a term as regent to the State Planning Board in 1959, he served as its chairman from 1960 to 1961. In 1963, he was appointed U.S. District Judge by President John Kennedy.

Mr. Speaker, I have previously testified to Judge Thompson's legendary career and I will not take further time today. I will simply conclude by saying Judge Thompson's outstanding career, coupled by the immense love and respect he earned from his colleagues, makes naming the new courthouse in Reno a fitting tribute, worthy of his legacy.

I want to thank Mr. GILCHREST and Mr. SHUSTER for their consideration and for their willingness to move this important legislation. Their assistance has been invaluable.

I urge approval of this important legislation.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Judge Thompson has enjoyed an outstanding career, having been appointed to the Federal bench by President John F. Kennedy in 1963. He is extremely well liked by all his judicial colleagues and has received the endorsement of many legal organization in the State of Nevada, as evidenced by the statements here of Mr. OBERSTAR and Mr. GILCHREST and the gentlewoman from Nevada, Mrs. VUCANOVICH.

I commend Mrs. VUCANOVICH for her tenacity and diligence in pursuing the passage of this bill. I urge all to vote for it.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 395.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

THURGOOD MARSHALL UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 653) to designate the U.S. courthouse under construction in White Plains, NY, as the ''Thurgood Marshall United States Courthouse.''

The Clerk read as follows:

H.R. 653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse under construction at 300 Quarropas Street in White Plains, New York, shall be known and designated as the ''Thurgood Marshall United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Thurgood Marshall United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Ohio [Mr. TRAFICANT] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 653, a bill which designates the U.S. courthouse under construction in White Plains, NY, as the ''Thurgood Marshall United States Courthouse.''

Thurgood Marshall was born in Baltimore, MD. He graduated cum laude from Lincoln University in 1930, and graduated at the top of his class from the Howard University School of Law in 1933.

As a graduate of college and professional school during the Great Depression, Thurgood Marshall was a member of the black elite. However, he was constrained by a social structure which tended to frustrate the aspirations of black people.

Upon graduation from law school, Justice Marshall began his legal career with the National Association for the Advancement of Colored People [NAACP]. It was during this tenure, as chief counsel, that he organized efforts to end segregation in voting, housing, public accommodations, and education. These efforts led to the landmark Supreme Court decision of Brown versus Board of Education, which declared segregation in public schools to be unconstitutional.

In 1961, Justice Marshall was appointed to the second circuit court of appeals by President John F. Kennedy, and 4 years later was chosen by President Lyndon B. Johnson to be the first black Solicitor General. Two years later, on June 13, 1967, President Johnson chose Marshall to become the first black Justice of the Supreme Court, where he served with distinction until his retirement in 1991. He died in 1993.

It is a fitting tribute to name a courthouse in honor of this American who believed in equal justice for all Americans, and devoted his life to obtaining the values we all hold dear.

I strongly urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], distinguished ranking Member.

Mr. OBERSTAR. Mr. Speaker, again we bring to the floor a bill that passed this body in the 103d Congress but did not make it through the other body. I am very appreciative of the efforts of our chairman, the gentleman from Maryland [Mr. GILCHREST], and our senior Democrat, the gentleman from Ohio [Mr. TRAFICANT], for bringing forward this bill to honor Judge Thurgood Marshall. No one, no one deserves our respect and appreciation for the work in civil rights more than Justice Marshall.

□ 1530

His leadership, going back to the famed Board of Education case, all through his service on the Supreme Court, is one of the high points, one of the storied chapters in American jurisprudence. He is a man, if we are going to name a building for anyone, a Federal courthouse for any person associated with the law in this country, we should do it for Justice Thurgood Marshall.

We do that today. I hope the other body will act promptly and decisively on this legislation. It is appropriate that we have a landmark, that there be many in this land to honor Justice Thurgood Marshall.

At the beginning of the 103d Congress a bill was passed to name the Judiciary Building here on Capitol hill after Judge Marshall. H.R. 653 would further acknowledge the contributions of Judge Marshall by designating the U.S. courthouse in White Plains, NY, the ''Thurgood Marshall U.S. Courthouse.'' He exemplified the highest ideals of fairness and equality and his struggle against the evils of intolerance and bigotry spanned over five decades.

Upon graduation from Howard University School of Law, Justice Marshall embarked on a legal career with the National Association for the Advancement of Colored People [NAACP]. In 1940, he became the head of the newly formed NAACP Legal Defense and Education Fund, a post that he held for 20 years. It was during this tenure as chief counsel that Justice Marshall organized efforts to end segregation in voting, housing, public accommodations, and education. These efforts led to a series of cases grouped under the title of Brown versus Board of Education, in which Marshall argued and convinced the Supreme Court to declare segregation in public schools unconstitutional.

In 1961, Marshall was appointed to the second circuit court of appeals by President John F. Kennedy. Four years after he received appointment to the appeals court, President Lyndon B. Johnson chose Justice Marshall to be the Nation's first black solicitor general.

Two years later, on June 13, 1967, President Johnson chose Marshall to become the first black Justice of the Supreme Court where he served with distinction until his retirement in 1991. He died in 1993.

This bill enjoys broad, bipartisan support from the New York delegation as well as the Westchester County Board of Legislators, the Common Council of White Plains, the White Plains-Greenburgh NAACP, the African-American Federation of Westchester, and the Westchester County Bar Association.

It is fitting to name a courthouse in honor of this great American who believed in equal jsutice for all Americans, and devoted his life to obtaining the values which we all hold dear.

I am proud and honored to support this legislation, and urge its passage.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the character and contributions of Judge Thurgood Marshall are without equal. Judge Marshall's struggle for equality and dignity for all people were absolutely of historical proportions. I believe it is an absolute honor to participate in this debate and have some little say in the naming of this building.

Mr. Speaker, with that I urge an ''aye'' vote.

Mr. GILMAN. Mr. Speaker, I am pleased to join with the sponsor of this measure, Mr. ENGEL to express my strong support for H.R. 653, legislation designating the courthouse currently under construction at 300 Quarropas Street in White Plains, NY, as the Thurgood Marshall Federal Courthouse.

The naming of this courthouse is a fitting tribute to a man who dedicated his life and career to the cause of justice for those who were victims of bigotry. It was Justice Marshall, who successfully argued in the case of Brown versus Board of Education of Topeka, that separate schools for black and white students were inherently unequal. In 1965 President Lyndon Johnson named Justice Marshall Solicitor General, making him the U.S. Government's chief advocate before the Supreme Court. Two years later, President Johnson named Thurgood Marshall to the Supreme Court, thereby becoming the first African-American Justice in our Nation's history.

I cannot think of a more deserving individual for this honor. Justice Marshall dedicated his career as director of the NAACP's legal defense and educational fund, as a Federal jurist and voice on the Supreme Court, to providing equal opportunity for all Americans and ending discrimination in voting, housing, public accommodations and education. The American people were fortunate to benefit from the sound judgement and compassion that Justice Marshall brought to the Supreme Court.

Mr. KELLY. Mr. Speaker, I rise in strong support of H.R. 653, a bill designating the Federal courthouse in White Plains, NY, as the ''Thurgood Marshall United States Courthouse.''

Upon completion of his law education, Justice Marshall dedicated himself to the civil rights struggle. Whether as head of the legal defense and education fund of the NAACP, or as chief council in the Brown versus Board of Education case, Justice Marshall never slowed in his fight for equal rights for all Americans. He continued this fight as the Nation's first black Solicitor General, where he scored numerous victories in the areas of civil and constitutional rights. His career culminated in an historic appointment to the U.S. Supreme Court in 1967, where he served with distinction until his retirement in 1991.

H.R. 653 is a fitting tribute to the life and work of our Nation's first African-American Supreme Court Justice, and I am proud to represent the district where the Thurgood Marshall U.S. Courthouse will be located. It is certainly an appropriate honor for this great American. I urge my colleagues to support this legislation.

Mr. TRAFICANT. Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I, too, strongly urge an aye vote on this bill. I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EVERETT). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 653.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

A motion to reconsider was laid on the table.

WALTER B. JONES FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 840) to designate the Federal building and United States courthouse located at 215 South Evans Street in Greenville, North Carolina, as the ''Walter B. Jones Federal Building and United States Courthouse''.

The Clerk read as follows:

H.R. 840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 215 South Evans Street in Greenville, North Carolina, shall be known and designated as the ''Walter B. Jones Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Walter B. Jones Federal Building and United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 840, a bill to designate the Federal Building and United States Courthouse located in Greenville, NC as the ''Walter B. Jones Federal Building and United States Courthouse.'' Walter Jones was one of our most respected and accomplished colleagues ever to serve this Chamber. Born in Fayetteville, NC, Walter Jones began his career as a public servant when he was elected mayor of Farmville, NC in 1949. He served three terms in North Carolina State assembly and was in the midst of his first term in the State senate when in 1966 he won a special election to this Chamber to fill the seat left vacant by the death of former Member Herbert Bonner. He became a tireless advocate for the American worker and the American farmer. Walter Jones was reelected to 11 successive Congresses, serving in this Chamber from February 5, 1966 until his death in 1992. He was a member of the Agriculture Committee and served as chairman of the Merchant Marine and Fisheries Committee from the 97th through the 100th Congress. As chairman of the Merchant Marine and Fisheries Committee, Mr. Jones committed himself to ensuring that the United States maintained a viable merchant marine fleet and marine industry. H.R. 840 is an appropriate and fitting honor to bestow on our former colleague and I urge all Members to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota [Mr. OBERSTAR], the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT] for yielding this time to me, and I also thank our chairman, the gentleman from Maryland [Mr. GILCHREST], for bringing this legislation to the floor.

Mr. Speaker, it was my great privilege and pleasure to serve with Walter Jones on the House Merchant Marine and Fisheries Committee. We served in Congress together on that committee, worked together on a lot of issues. But what struck me was first of all he succeeded Herb Bonner, who was chairman of that committee and then in his own right became chairman of the Committee on Merchant Marine and Fisheries. It is very unusual for one State, let alone one district, to have a succession of chairmanship of one particular committee.

But Walter Jones served in that capacity in a very unassuming, very affable, very warm, but also very knowledgeable manner, with a quiet, unsuspecting country humor. He would often break the tension in a very hotly contested markup over some very difficult and hotly contested issues with just a bit of folk wisdom, or country humor, or an observation that would devastate one side or the other. He had that remarkable knack, that personality that just fitted the occasion, and he did not have to say much, and he usually did not, but what he said was compelling, and whether, as I said earlier, it was humor, or whether it was a bit of folk wisdom to enlighten a point, or whether it was to hurry a vote; when he called a vote, he said all those in favor say aye, aye, and everyone else jumped in, and, before they knew it, the bill was passed.

Mr. Speaker, maybe some of them wanted it passed or not, but they followed his leadership, and his wisdom, and his care about America's merchant marine, about our Coast Guard, about our marine environment, about endangered species, and that committee had jurisdiction over the Marine Mammal Protection Act, and he saw to it that that jurisdiction was carried out and that America's concern for our Marine Mammal Protection Act and for the endangered species of the great oceans of this country was carried out appropriately.

Mr. Speaker, for us to name a building in his honor is a very small, but deserved, honor, one that we can and that we should pay. The greater tribute to Walter Jones is the legacy of legislation that he left. But more importantly, the care that he had for the people he represented; he loved them and spoke of them often, and he represented them with great honor and dignity, and his legacy will carry on in the name that we give to this building in his honor.

Mr. Speaker, this honor is long overdue. Walter Jones' career spanned over four decades beginning in 1949 with his election as the mayor of Farmville, NC, then in 1955 to the North Carolina State Assembly, in 1965 to the State senate and finally in 1966 to the U.S. House of Representatives.

From his days in Congress, Mr. Jones worked hard and long for his constituents. He became a tireless advocate for the American worker and the American farmer. He was reelected to eleven successive Congresses, serving in the United States House of Representatives from February 5, 1966, until his death in 1992. He was a Member of the House Agriculture Committee and served as chairman of the Merchant Marine and Fisheries Committee from the 97th through the 100th Congresses. As chairman of the Merchant Marine and Fisheries Committee, Walter Jones committed himself to ensuring the United States maintained a viable merchant marine fleet and maritime industry.

His stewardship of the Merchant Marine and Fisheries Committee was recognized for its fairness and openness. I had the pleasure of serving under Chairman Jones on the Merchant Marine Committee. He was not only known for his dedication, hard work, humility and humanity, but he also had a quiet way about him that oftentimes brought great results.

Walter B. Jones was one of the most respected and accomplished Members ever to

serve in the House of Representatives, and H.R. 840 is a fitting and appropriate tribute to his honor.

I urge passage of H.R. 840.

Mr. GILCHREST. Mr. Speaker, I want to thank the gentleman from Minnesota [Mr. OBERSTAR] for his very kind and most appropriate words to one of the finest Members of this Congress.

Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Speaker, I thank the gentleman from Maryland [Mr. GILCHREST], the gentleman from Ohio [Mr. TRAFICANT], and the gentleman from Minnesota [Mr. OBERSTAR]. This obviously is a very special privilege for me, one that I doubt very few sons in the history of the Congress have. I am honored and humbled, quite frankly, to be on the floor at this time to say thank you to the U.S. House for remembering my father in such a special and very permanent way.

The gentleman from Minnesota [Mr. OBERSTAR] was right about my father. He loved the Congress, he loved the people in the Congress, and was a man that has served, that did serve, I should say, for 26 years. I certainly must tell my colleagues that not only am I and my family honored by them remembering my father, but also the constituents that elected my father to 13 terms in the U.S. House of Representatives.

My father appreciated the work of this wonderful and great institution and the men and women that made this institution and are today making this institution so great. My father also appreciated the staff that worked with him as chairman of the Committee on Merchant Marine and Fisheries, and also the staff in his office, both in the district and also in Washington, as well as the members of the staff that work around the House and the Capitol and the women that operate the elevators. He was a man that appreciated his fellow man and a person that never forgot his roots, and that is why I think my father for so many years, even when his health because of age was beginning to fail him and he had to campaign, quite frankly, in a wheelchair back in the district, and many times candidates much younger would oppose my father. Yet my father would get better than 70 percent of the vote each and every time, and the reason for that was because my father never forgot the people back home that gave him the privilege and the honor to represent them.

So I say to my colleagues again that this is an honor for me to be on this floor to thank my colleagues of the U.S. House of Representatives, that they thought so much of my father that they would want to remember him in this very special way. If I may close, because I see one of my father's many friends, and before I close let me say that it has been a very humbling experience to have men and women from both sides of the aisle to tell me how much they respected and thought of my father, and the two words that they used that made me feel so proud of my father was that he was a gentleman and that he was fair. That to me, they are two of the best words that can be said about a person, that he is a gentleman and that he is a fair person.

I see my good friend, the gentleman from Mississippi [Mr. TAYLOR], who among many that came down to my father's funeral, and I think the second or third month that I was here, maybe in February or March, that GENE came up to me, and he handed me this index card, and he said, ''WALTER, I think it is only appropriate that you have this,'' and I would like to close with this, if I may, Mr. Speaker.

GENE handed me this, and he said, ''It is a note that I took at your father's funeral,'' and he said, ''I wrote it down right after the minister used this quote from Everett Hale,'' and the quote is, and I think this fits my father and many of us that served in the U.S. House of Representatives; it says: ''I am only one, but I am one. I cannot do everything, but I can do something. What I can do, I should do, and, with the help of God, I will do it.''

Mr. Speaker, I close with that because I think they are very powerful words, and again I know I am being repetitious, but this is a very emotional time for me. I can only say in very simple, simple words, ''Thank you so very much.''

Mr. FIELDS of Texas. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield to the gentleman from Texas.

Mr. FIELDS of Texas. Mr. Speaker, I have no prepared statement. In fact I wandered into the Chamber on another matter, but, in knowing that this is in recognition of the gentleman's father, I felt compelled to stand up and say that, when I entered Congress in 1980, as a Republican, a freshman Republican, and was on the Merchant Marine and Fisheries Committee, the gentleman's father took me aside, as he did everyone who served under his tutelage, and gave advice, and was helpful and lent guidance, and he always did it with great compassion for the constituencies that we represented, and he always did it with a great deal of honor. When we look around the Chamber, the people who served under the gentleman's father, Republican, Democrat, liberal or conservative, there is universal admiration for what his father represented, and we are all very appreciative.

Mr. JONES. Mr. Speaker, I thank the gentleman from Texas [Mr. FIELDS].

☐ 1545

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman from North Carolina [Mr. JONES] for his compliment. His dad meant a lot to me, as he did to every Member of this body. I must confess I was not smart enough to remember what the preacher said, but I was smart enough to ask the preacher for his notes that day, and they actually came from one of the two ministers who presided over your father's funeral.

I was always very much impressed with your father's desire to serve the public. I really noticed at your father's funeral that everyone I spoke to there always mentioned that your dad was there to serve his fellow citizens; in this day of cynicism and skepticism, where people run for Congress based on saying how terrible a place it is and that they are the only good one, that so many people felt so strongly and so positively about your dad, and I am glad we did not have to wait the full 5 years to see to it that your father is honored.

I want to compliment the sponsor of this bill, and above all, I want to compliment your dad for being a great American, and hope that you turn to be every bit as great as your father.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, many of us around here, just speaking off the cuff, loved Walter Jones. I did not serve on the committee with him, but because one of his probably closest allies. He imparted much advice and counsel to me, many times advising me to shut up and sit down, and cautioning me on some of the unusual behavior traits I employed to try and help my district in my early days in the Congress.

Without reading from a prepared text, like many others, I loved Walter Jones. He embodied what a Congressman should be like. I think back of Bill Natcher, Walter Jones, and Jamie Whitten and individuals like that, and we conjure up in our minds great leaders from our country that many times had gone without a whole lot of fanfare and much recognition. I am absolutely honored to be the sponsor of this legislation.

In addition to that, Mr. Speaker, I am absolutely honored to find that such a fine son is here to carry on the legacy for North Carolina. The attitude that he brings is much like his dad's. I guess the apple does not fall too far from the tree.

I am proud of the fact that we are doing this today. This is right that we should do this. We passed this legislation last year. I cannot understand the reason why we had to revisit this, but because of some of the political dynamics occurring in the other body. Let there be no political dynamics that would in fact derail this particular piece of legislation. This is fitting. I am proud to be associated with it.

I thank the gentleman from Maryland [Mr. GILCHREST] and all who played a part in helping to bring this legislation to the floor. I ask all to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

When I first came to the Congress in 1983 and was assigned to the Committee on Merchant Marine and Fisheries and attended its first meeting, Mr. Speaker, I was almost taken aback by the fact that Walter Jones, the chairman, had bothered to look at the biographies of those members who were being assigned to his committee and had learned that I was indeed born in his district in North Carolina. He reminded me of that fact.

I would say to my colleagues that in people like Walter Jones, if we were to emulate them in all of our activities here in the Congress, our work product would be improved, the atmosphere of this institution would be more in keeping with what it should be, and the American people would hold us in a higher regard. Walter Jones, as someone mentioned, was indeed a great gentleman.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I had a few words to say. Walter Jones for many, many years was a very close friend of mine. We worked very closely together. What a lot of people do not realize was what a great sense of humor Walter Jones had.

If I would be permitted, I would just like to give a little story. We had a Member, and I will not quote any names, but the Member had a tendency and he would say, ''If there was a good, qualified candidate in my district, I just would not run this year.'' He continued to say that.

One day we were having lunch and he said, ''If there was a good, qualified candidate in my district, I wouldn't run anymore.'' Walter said, ''Let me name off a few.'' So that is the last time. He named off about five or six different well-qualified people that lived in that district. That was the last time it was ever brought up, if there was ever a qualified candidate.

Walter Jones, as his son said, was a fair man. He was a good man. We have a saying down in North Carolina: He is the kind of man, if you had to be away from home for a week, that you would like to have Walter Jones agree to do up your things for you. He was a gentleman, he was a fair man, and we miss him. I think this is more than appropriate, what we are doing for him today. I thank the gentleman for yielding time to me.

Mr. BATEMAN. I am delighted to have yielded.

Mr. Speaker, let me conclude. I will not take the 5 minutes allocated, but let me conclude by saying that my personal disagreements with the very esteemed Walter Jones were very, very few; but one of the things that is a mark of the fact that he was a great gentleman, and his great sense of how this institution should conduct itself, that never was there any occasion when in any disagreement there was anything disagreeable. He was a wonderful, wonderful man, and like all my previous colleagues, I miss him sorely.

Mr. GILCHREST. Mr. Speaker, I yield 5 minutes to an esteemed colleague, the gentleman from North Carolina [Mr. COBLE], to speak on behalf of the bill.

Mr. COBLE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, if I appear out of breath, I am out of breath. I was in my office and I turned on the television in the office while I was working and saw my good friend, the gentleman from Ohio, whom I know was one of Walter's dearest friends, but my volume was not turned on so I could not hear what the gentleman was saying. I usually listen to the gentleman when he is talking.

Subsequently the gentleman from North Carolina, [Mr. JONES], young WALTER, came on. My volume was not tuned up as well. Then when I finally did activate the volume, I learned that we were over here honoring the late Walter Jones, and I ran over here. I am still huffing and puffing, Mr. Speaker, but I would be remiss if I did not say a word or two about him.

I used to refer to WALTER junior, when I would talk to his dad, as ''young Walter.'' ''How is young Walter doing? '' I would ask old Walter from time to time. One time he said to me, he always called me Coble, and he said ''Coble, I wish you would not refer to him as young Walter, because by definition, that makes me old Walter.'' I did not break that habit. I still call him young WALTER, even to this day.

But Walter Jones probably conducted the most, I guess evenhanded would be an accurate way to describe him, evenhanded, fair, hearings, and his hearings and meetings were always very, very nonpartisan. Oftentimes, Mr. Speaker, people will be critical of certain committees in the House: ''Oh, they are too partisan.'' That in and of itself does not bother me. This is a partisan body. We are supposed to be partisan from time to time. I think some of these committee chairmen, though, could take a lesson from the late Walter Jones. I think sometimes we are overly partisan in expressing our own views and the views of our colleagues.

I am very pleased and honored to take part in this, I say to my friend, the gentleman from Maryland, and my friend, the gentleman from Ohio, and of course, my good friend, the gentleman from eastern Carolina, WALTER JONES, Jr. The building is in Greenville, NC, home of East Carolina University, where many of us attended Walter Jones' funeral when we laid him to rest that day. The funeral was in Greenville and the interment, I think, was in Farmville, subsequently. But Walter was a good man, beloved by many, beloved by all who knew him.

Mr. GILCHREST. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I have had a great regard for Walter Jones over the years, a true gentleman and one that was always willing to reach a hand out to advise all of us in this Chamber, so I am pleased to join with the gentleman with regard to honoring Walter Jones.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my last comments would be to echo those of my colleagues who addressed Mr. Jones, Chairman Jones, Congressman Jones as a fine man, one who fought throughout the course of his career and his life for justice, for tolerance, for freedom, for fairness, for liberty. And it is quite obvious here this afternoon, Mr. Speaker, that he was also a very fine father, because he raised a fine son who is now a Member of this Chamber.

On behalf of the present gentleman from North Carolina [Mr. JONES], I urge my colleagues to vote ''aye'' on this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EVERETT). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 840.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

THOMAS D. LAMBROS FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 869) to designate the Federal building and U.S. Courthouse located at 125 Market Street in Youngstown, OH, as the ''Thomas D. Lambros Federal Building and U.S. Courthouse'', as amended.

The Clerk read as follows:

H.R. 869

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 125 Market Street in Youngstown, Ohio, shall be known and designated as the ''Thomas D. Lambros Federal Building and United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the ''Thomas D. Lambros Federal Building and United States Courthouse''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 869, as amended, a bill to designate the Federal Building and Courthouse located in Youngstown, OH, as the ''Thomas D. Lambros Federal Building and United States Courthouse.'' Judge Lambros was born and raised in Ashtabula, OH. He attended Fairmont State College in Fairmont, WV and received his law degree from Cleveland Marshall law School in 1952.

Prior to his career as a judge, he served in the U.S. Army from 1954 to 1956. In 1960, Judge Lambros began his career in public service with his election to the Court of Common Pleas in Ashtabula County. In light of Judge Lambros' excellent reputation as a fair and dedicated jurist, President Lyndon B. Johnson nominated him in 1967 to the U.S. District Court for the Northern District of Ohio. As a district court judge, Judge Lambros was responsible for several important legal reforms such as the voluntary public defender program, which provided indigent criminal defendants with free counsel. This reform eventually became law in the landmark U.S. Supreme Court decision of Gideon versus Wainwright. Judge Lambros became Chief Judge of the Northern District of Ohio in 1990, and officially resigned from this position in February 1995. Judge Lambros also received numerous honors and awards throughout his career including the Cross of Paideia presented by the Greek Orthodox Archdiocese of North and South America, and an honorary doctorate of law from Capital University Law and Graduate Center.

It is a fitting tribute to name this building after Judge Lambros because he played such an instrumental role in its construction. Prior to the opening of the U.S. courthouse in Youngstown, citizens had to travel at least 65 miles to Cleveland to seek justice in the Federal court system. Judge Lambros recognized the hardship this imposed on many people, especially senior citizens and the indigent. I strongly urge all Members to support this bill.

□ 1600

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member.

Mr. OBERSTAR. Mr. Speaker, I compliment the gentleman from Ohio [Mr. TRAFICANT], the leader on our side, for persisting on this legislation and bringing it forward once again. It passed the House in the last Congress and again did not muster support in the Senate.

I appreciate the role that the gentleman from Maryland [Mr. GILCHREST] has played in assuring that we again consider this legislation and bring it to the floor and I appreciate his support for the bill.

Mr. Speaker, it certainly is appropriate to honor Judge Lambros, who played a role in a very important area of law that often is poorly understood and overlooked, and that is the voluntary public defender program that provides free counsel for indigent criminal defendants. Judge Lambros was responsible for reforms in this area of the law that are very significant, and he laid the groundwork for, but his work preceded the landmark U.S. Supreme Court decision in Gideon versus Wainwright that guaranteed free counsel to indigent criminal defendants.

It is often difficult for us to understand and to take up the cause of those who are indigent and who have committed a crime, but nonetheless they deserve in our legal system legal counsel.

For a judge who provided that kind of distinguished leadership in an often neglected and poorly understood area of the law, it is appropriate to honor Judge Lambros by naming a Federal building and courthouse in his honor. He is a good friend of the Democratic leader on the subcommittee, Mr. TRAFICANT, who has been an advocate for this cause, and I compliment the gentleman, and I know that today we will again pass this legislation so justly deserved.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Minnesota [Mr. OBERSTAR] for his comments and remarks.

Mr. Speaker, throughout the distinguished career of Judge Lambros, who retired in February, he embraced the rule of law, human rights, and social justice for all citizens. I cannot think of a more appropriate way to honor him than to name this courthouse and have this courthouse bear his name.

Judge Lambros was born in Ashtabula, OH, where he graduated from Ashtabula High School. He attended Fairmont State College in Fairmont, WV, and received his law degree from Cleveland Marshall Law School in 1952. From 1954 to 1956 he served in the U.S. Army; distinguished service, I might add. In 1960, Judge Lambros was elected judge of the Court of Common Pleas in Ohio's Ashtabula County. He was reelected to a second full term without opposition, as his reputation for fairness continued to grow.

In 1967, that fairness was nevertheless recognized by former President Lyndon B. Johnson, who nominated Judge Lambros to the Federal bench, U.S. District Court, Northern District of Ohio. As a district court judge, as so aptly stated by the gentleman from Minnesota [Mr. OBERSTAR], Judge Lambros was responsible for many important reforms, such as the voluntary public defender program to provide indigent criminal defendants with free counsel. His groundbreaking work, Members, in this area preceded the landmark U.S. Supreme Court decision, Gideon versus Wainwright, which guaranteed free counsel to indigent criminal defendants.

In 1990, Judge Lambros became chief judge in the Northern District of Ohio. From there he officially retired in February 1995.

Mr. Speaker, this is a most beautiful man. His efforts in the field of law will be remembered for years. I urge all to support this legislation.

I thank the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Minnesota [Mr. OBERSTAR] and all of those who participated for such help and ask for an ''aye'' vote.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, we have no more speakers on this bill. I want to thank the gentleman from Ohio [Mr. TRAFICANT] for his work on this, and I too urge an ''aye'' vote on this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 869, as amended.

Mr. GILCHREST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore (Mr. EVERETT). Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

ROMANO L. MAZZOLI FEDERAL BUILDING

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 965) to designate the Federal building located at 1600 Martin Luther King, Jr., Place in Louisville, KY, as the ''Romano L. Mazzoli Federal Building.''

The Clerk read as follows:

H.R. 965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building located at 600 Martin Luther King, Jr. Place in Louisville, Kentucky, shall be known and designated as the ''Romano L. Mazzoli Federal Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the Under States to the Federal building referred to in section 1 shall be deemed to be a reference to the ''Romano L. Mazzoli Federal Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 965, a bill which designates the Federal building located in Louisville, KY, as the ''Romano L. Mazzoli Federal Building.'' Romano L. Mazzoli was born and raised in Louisville, KY. After graduating from the University of Notre Dame, he served in the Army for 2 years before returning to attend law school at the University of Louisville. Ron was admitted to the Kentucky bar in 1960, and began practicing law in Louisville. In 1967, he began his career in public service by being elected to the Kentucky Senate, where he served from 1968 to 1970. In 1970, he was elected to join the House of Representatives, and the people of Kentucky's 3d Congressional District returned him to Washington in 11 subsequent elections, where he served from 1970 to his retirement in 1994.

Mr. Mazzoli may be best remembered for his tireless efforts on immigration issues. He was also an active voice on issues concerning campaign finance reform, smoking in public places, and cigarette advertising. Romano Mazzoli built a strong reputation as one of the most dedicated ethical and courageous Members ever to serve in Congress. Naming this Federal Building in his honor would be a fitting tribute to this distinguished former Member of Congress. I urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking Democrat on the committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT], our senior Democrat on the subcommittee, for bringing forth this legislation, and the gentleman from Maryland [Mr. GILCHREST] for his support of the legislation to honor Ron Mazzoli.

Mr. Speaker, I came to know Ron Mazzoli, a very distinguished and special man, when I served on the staff of the Committee on Public Works and on the staff of my predecessor, John Blatnik, when I was administrative assistant and who took Mr. Mazzoli under his wing when Ron was first elected and counseled him in his early days serving in the Congress.

I think what the gentleman from Maryland [Mr. GILCHREST] said of Ron Mazzoli epitomizes his service in the Congress; Honor, integrity, respect for the institution, a person who approached each issue on the basis of the merits of the case. He studied every issue that he was about to vote on the House floor, often agonized over votes where there was a conflict, at least ideologically, between a national issue and the views of his constituency.

He always made sure that the vote he cast was the right vote, not just for his district, but also for the national interests. He left a great example that all of us could well follow.

Clearly, his great legacy will be that in the field of immigration. The Simpson-Mazzoli Act that shapes the current body of immigration laws is one that scholars, attorneys, and Federal agency administrators will pour over for years to come. It was his great legacy, along with many other issues that were listed by our chairman.

For me, this is a very personal matter. Ron was a graduate of Notre Dame. I am very proud of his education at Notre Dame. When my son graduated from high school, Notre Dame was at the top of his list of universities that he wanted to attend, and he was a little uncertain about Notre Dame and I arranged for Ron to visit with him. It was Ron's encouragement, painting a picture of the quality of education, but especially the values.

Whether you agree with Notre Dame on football or basketball or any other sports activity, on the matter of values I think there can be no question of the standard set by Notre Dame. It was that that persuaded Ted, and he entered Notre Dame on a scholarship, graduated with distinction, is now pursuing a master's degree in theology, and with very fond and very warm memories of Ron Mazzoli.

I mention that because so often I saw him take time with young people to talk to them about education, about career, and about values, and about what is important in life. That we name a Federal building in his honor is a tribute to his service to this country and to his care and concern for what this institution is all about, the people we represent. No one served them better than Ron Mazzoli.

Mr. GILCHREST. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky [Mr. ROGERS], a colleague of Mr. Mazzoli.

Mr. ROGERS. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as the dean of the Kentucky delegation this year, I am honored today to rise and strongly support this bill and praise my most immediate predecessor as the dean of the delegation, our friend Ron Mazzoli.

Kentucky, Mr. Speaker, has been blessed with many outstanding Representatives in the Congress during the 20th century. The names are in history. Carl Perkins, Tim Lee Carter, John Sherman Cooper, and of course the unparalleled Bill Natcher, to name just a few. There have been many others of an outstanding nature as well, but Ron Mazzoli is another Member who distinguished our State and certainly this body.

First elected in 1970, Ron served nearly a quarter of a century in the Congress, representing Louisville and most of Jefferson County. As many of my colleagues know, Ron retired last year to return to Louisville to spend more time with his wonderful wife, Helen, and their children and grandchildren. He was and still remains a great man, admired at home and certainly here in Washington.

☐ 1615

Ron, as the gentleman from Minnesota [Mr. OBERSTAR] has said, was a very conscientious and very determined legislator. He stood fast to his beliefs and dealt honorably with supporters and adversaries alike. If he made his mind up to vote a certain way on a bill, it did not matter who was President or who was Speaker or who was chairman of this or whatever, Ron Mazzoli would vote his conscience regardless of the consequences. That is what made him a very valued and valuable Member of the U.S. House of Representatives.

Even in the heat of battle, Ron's principled manner drew nothing but cooperation and respect from all Members of this body.

He pursued with intelligence and vigor the different issues of our Nation's immigration policies as chairman of that subcommittee on Judiciary. He became the foremost expert, in fact, on immigration, something completely unrelated to his district in Louisville, but it was his responsibility here in the Congress that was assigned to him, and he did it to the utmost ability that he had, which was great. And so he became the foremost expert on that very arcane subject and his work is reflected in the major laws that govern immigration in this country to this day.

Ron was also a sentry for the disadvantaged, working on any number of issues for more than 20 years of service on the Committee on the Judiciary. First and foremost, however, he worked for the Third District of Kentucky, for the people who honored him with their many years of devoted support.

In Ron's last speech to the Congress on November 29, 1994, he said, ''This is the kind of day that is steeped in nostalgia, as we look backward, but also look forward to new lives.''

That is Ron Mazzoli. Always remembering the good times with a warm heart but looking forward to new challenges and new opportunities with a smile.

I am very pleased to join Ron's many friends here in this body to this day. I know of no Member who made more friends across that aisle than did Ron Mazzoli. I am very pleased to join many of them here today as we seek to pass this legislation to name the Federal building that has been designated for our friend Ron Mazzoli. It is an honor he has earned through his years of dedication and service for the people of his district, for Kentucky, and for our Nation.

So I hope today we pass this legislation as a symbol of the respect that Ron Mazzoli earned along the way.

Mr. Speaker, I am here to help us pass our bill, and that bill is a large one indeed that we owe to Ron Mazzoli for service to his Nation.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky [Mr. WARD] the outstanding individual who has succeeded our fine past Member Ron Mazzoli.

Mr. WARD. I thank the gentleman from Ohio for yielding me the time.

Mr. Speaker, I am proud to join my friends and colleagues, especially proud to follow my colleague, the gentleman from Kentucky [Mr. ROGERS], in speaking on behalf of this bill today.

I urge all of my colleagues to support this legislation which will serve as a lasting tribute to such a distinguished Member who served in this body for 24 years.

Ron Mazzoli, as many Members who had the privilege to serve with him know, earned the reputation as one of the most devoted and ethical Members ever to serve in this House. His work on immigration issues and campaign finance reform will continue to serve as a lasting testament to his years of public service for many years to come.

I have had the pleasure of succeeding Ron Mazzoli here and of being, I hope, associated with the kind of commitment that he had by virtue of that succession. I also served in the Kentucky legislature where Congressman Mazzoli served with great distinction for 4 years.

I serve in this Congress and feel that it is a great honor to be able to say when I introduced myself to my new colleagues upon arrival that I have Ron Mazzoli's seat.

As an unassuming man, Ron Mazzoli would never ask for this distinction or seek to have it bestowed upon him. But no one is more deserving of such an honor.

I urge all Members to support this legislation because by doing so this Congress will give me the privilege of going to my district office by walking into the Romano L. Mazzoli Federal Building.

Mr. TRAFICANT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. ENGEL]. Due to travel schedules, he had a little rough time getting here exactly on time. He is one of the sponsors of the legislation honoring and naming the building after Judge Thurgood Marshall and will speak out order on that bill as well as on this bill.

Mr. ENGEL. I thank my friend from Ohio for yielding me the time.

Mr. Speaker, I want to also add my voice in the designation of H.R. 965, to designate the Federal building in Louisville, KY, as the Romano Mazzoli Federal Building.

Having served with Ron Mazzoli, I can think of no greater or fitting honor and I am just delighted that this bill is here this afternoon. I know that all of our colleagues will support it, because Ron was truly one of the great members of Congress with which many of us served.

I am here today also now to thank my colleagues for the passage of the bill which commemorates one of the most distinguished Americans of this century, and that is the designation of the U.S. courthouse in White Plains, NY, as the Thurgood Marshall U.S. Courthouse. As representatives of the Westchester, NY, area I am here on behalf of Congresswomen NITA LOWEY, SUE KELLY, and Congressman BEN GILMAN to urge the bestowal of this honor in memory of an historic and influential man, and the ideals for which he stood.

Mr. Marshall, as we know, began his distinguished career in private practice. Specializing in civil rights cases, he represented clients who very often could not afford to pay for his services. As the national counsel of the NAACP, Mr. Marshall spent much of his time in the South furthering the cause of civil rights and challenging segregated education. In 1954, Mr. Marshall's struggle for integrated education culminated in his argument before the Supreme Court in the landmark Brown versus Board of Education case. Following this decision, he focused his energies on the elimination of segregation and discrimination in voting, housing, public accommodations, as well as within our defense.

He chose to fight the battle of civil rights on a different front when he accepted President Kennedy's appointment to the U.S. Court of Appeals for the Second Circuit. He continued to break down the walls of segregation on the other side of the bench, accepting posts traditionally held by white males. As solicitor general he argued such cases as the Voting Rights Act of 1965, abolishing literacy requirements, voter qualification tests, and poll taxes.

On June 13, 1967, Thurgood Marshall, the great grandson of an African man brought to this country as a slave, was appointed to the Supreme Court of the United States, the first African-American to hold that position. As a Supreme Court Justice, Mr. Marshall continued his work in the name of individual rights for minorities, women, and all those who for so long did not have a voice in our Government.

Mr. Speaker, these are but a few of the highlights in the distinguished career of a man who earned the respect of his colleagues through his intelligence, hard work, and commitment to the civil rights of all Americans. Mr. Marshall said of himself that he hoped to be thought of as one who did the best he could with what he had. We know that he deserves a better and more lasting memory.

The Westchester County Board of Legislators, the Common Council of the City of White Plains, the African-American Federation of Westchester, the White Plains-Greenburgh Federation of the NAACP, and the constituents of Westchester County have asked that we name the courthouse at 300 Quarropas Street as a lasting memorial to Mr. Marshall's legacy. Sixty years ago Mr. Marshall was at the forefront of a movement at its inception. The struggle for civil rights for minorities is one which we continue today. What tribute could be more fitting for a man who fought tirelessly for the cause of civil rights than to provide a tangible symbol of the principles of law and justice which will be defended within the walls of the courthouse.

I again thank my colleagues for passing this bill. I thank the gentleman from Ohio [Mr. TRAFICANT] for his hospitality. I urge the passage of this other fitting tribute to Ron Mazzoli.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a sponsor of the bill, I am very proud to bring this legislation forth. I believe the record, as has been depicted in the statements made here by so many Members, justifiably brings forth the great contributions that Ron Mazzoli has made to the Nation and to his district.

I was a very good friend of Ron's. Being that he was an old Notre Dame grad and I was a University of Pittsburgh grad, we had certainly debated a lot about Pitt-Notre Dame games. But in addition to that we worked very hard on some common issues.

Maybe a little bit off the record here, I had the occasion to have a call from his mom, 83 years old. She was just so tickled that her son would be memorialized in such a fashion to have a building named after his distinguished record.

I think that that phone call basically said it all. There are many people that take tremendous interest in what we do here. Sometimes we overlook the contributions that many of them made to help many of us get here to serve our Nation. I am sure Mrs. Mazzoli back in Kentucky today is very proud. I would like to thank Mrs. Mazzoli for producing such a fine American who served so well in the Congress of the United States, ladies and gentlemen. I urge all to support this bill.

With that, Mr. Speaker, I yield the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

I, too, urge an ''aye'' vote on this bill and would like to echo the sentiments of my good friend, the gentleman from Ohio [Mr. TRAFICANT], to restate that Mr. Mazzoli, a Member of Congress, epitomizes what all of us would seek to be like, an honorable man, a just man, and without a doubt a good friend.

I urge support for the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EVERETT). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 965.

The question was taken.

Mr. GILCHREST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

JUDGE ISAAC C. PARKER FEDERAL BUILDING

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1804) to designate the United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, AR, as the ''Judge Isaac C. Parker Federal Building''.

The Clerk read as follows:

H.R. 1804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States Post Office-Courthouse located at South 6th and Rogers Avenue, Fort Smith, Arkansas, shall be known and designated as the ''Judge Isaac C. Parker Federal Building''.

SEC. 2 REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office-Courthouse referred to in section 1 shall be deemed to be a reference to the ''Judge Isaac C. Parker Federal Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Ohio [Mr. TRAFICANT] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1804, a bill to designate the United States Post Office—Courthouse located in Fort Smith, AR, as the ''Judge Isaac C. Parker Federal Building.'' Judge Parker is a legendary figure in Arkansas, and his fame extends to the surrounding States as well. He was a soldier, a lawyer, a member of Congress, and a judge. In 1875 after his retirement from Congress, President Ulysses Grant appointed him Chief Justice of the Utah Territory. However, at the President's request, he resigned to accept appointment to the United States Court for the Western District of Arkansas. The Western District Court had fallen into disrepute due to the actions of Judge Parker's predecessor, Judge William Story. Under the threat of impeachment, Judge Story had departed. The jurisdiction of the court covered the western half of Arkansas and what is now the entire State of Oklahoma. Judge Parker dedicated himself to reestablishing the court as a power in the land. During his service the court disposed of a grand total of 13,500 cases, of which 12,000 were criminal. Of the 12,000 criminal charges, 8,600 resulted in criminal convictions, either by jury trials or guilty pleas. Judge Parker is best known for his reputation and nickname as the ''hanging judge.'' Reportedly, he sentenced more men to the gallows than any other jurist in United States history. This reputation is particularly interesting in light of reports that he did not believe in capital punishment. But he did believe in the law, and is quoted as saying ''I've never hanged a man, it is the law that has done it.'' Judge Parker died in November 1896. Perhaps nothing illustrates more vividly the legacy of Judge Parker than the request of the citizens of Fort Smith, almost 100 years later, to name the Federal building in their city in his honor. I strongly urge my colleagues to support this bill.

□ 1630

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR], the distinguished ranking member.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Ohio [Mr. TRAFICANT], the ranking member on the subcommittee, and the chairman, the gentleman from Maryland [Mr. GILCHREST], for bringing forth this bill.

This is certainly a case of a tribute long delayed and an honor bestowed in a manner that certainly is appropriate. When a man is so great that the people of a community a century later ask that he be memorialized in a particular way, then certainly the Congress ought to respond to that appeal as we are doing today by naming the Federal building at Fort Smith, AR, in honor of Judge Parker, whose great career, whose remarkable career has been spelled out by Chairman GILCHREST.

I urge support of the legislation.

Mr. GILCHREST. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Speaker, let me first say I appreciate your assistance in bringing this bill to the floor today. I would also like to thank Chairman SHUSTER, as well as ranking member OBERSTAR and subcommittee ranking member TRAFICANT for their assistance.

This bill, H.R. 1804, would name the Federal building in Fort Smith, AR, after Judge Isaac Parker. Judge Parker is a great figure in Arkansas and the surrounding States. He was a soldier, a Congressman, a lawyer, and a judge.

In 1875 after his retirement from the U.S. Congress, President Grant appointed Isaac Parker as chief justice of the Utah Territory. However, at the request of the President, Parker resigned to accept appointment as judge of the United States Court for the Western District of Arkansas.

The court had fallen into disrepute because of the actions of Parker's predecessor. The President asked Parker to ''stay a year or two in Fort Smith and get things straightened out.''—Ended up staying 21 years.

When he assumed office Judge Parker dedicated himself to the reestablishment of the court as a power in the land. The court calendar tells the story. It was a court of no vacations except for Sundays and Christmas. During his service the court disposed of a grand total of 13,500 cases, of which 12,000 were criminal. Of the 12,000 criminal charges 8,600 resulted in convictions.

However, Judge Parker is best known for his reputation as the ''hanging judge.'' He unquestionably sentenced more men to the gallows than any other jurist in United States history. His nickname is particularly interesting in light of reports that Parker himself did not believe in capital punishment. But he did believe in the laws, and is quoted as having said, ''I've never hanged a man. It is the law that has done it.''

Off the bench, Judge Parker was known as a humorous and friendly man, devoted to his family and respected by all as a man of incorruptible integrity. He was active in local affairs and served for several years as president of the Fort Smith School Board.

The year or two that President Grant requested him to stay stretched out to 21, until his death in 1896. He had accomplished the goal of the President, as well as his own, to restore respect to the court and the law of the land, and to safeguard the citizens of his jurisdiction.

Judge Parker is buried in the national cemetery in Fort Smith near the court that he had so faithfully served for over two decades.

Perhaps nothing illustrates the legacy of Judge Parker more than the request of the citizens of Fort Smith, almost 100 years later, to name the Federal building in his honor. This is a remarkable and fitting tribute.

Finally, Mr. Speaker, I would like to take this opportunity to pay tribute to another Arkansan, Mr. Larry Degen. The city of Fort Smith is currently planning events to mark the 100th anniversary of Judge Parker's death. The naming of the city's Federal building is one of the main initiatives that is being planned in connection with this anniversary.

Larry Degen was a very active leader in planning this celebration. In particular, he was one of the first people who contacted me requesting legislation to name the Federal building in honor of Judge Parker.

Larry continued to call and write me, encouraging Congress to move forward with this legislation in time for the anniversary. His last call was on October 27th. Tragically, Larry died on October 31st at the very young age of 47. A businessman, church member, community activist, father, and grandfather, Larry Degen represents the true spirit of the people of Fort Smith. I am sure Judge Parker would've been honored to know that a man of Larry's caliber worked on the legislation that honors his name.

I would urge my colleagues to support this measure.

Mr. TRAFICANT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there is an old saying: When Judge Parker got through with those cold-blooded killers, there was no recidivism.

We have talked and we have heard the phrase coined so many times in referring to judges throughout America as the hanging judges. Ladies and gentlemen, that is, this was, the hanging judge, and I believe that he was revered not only by his colleagues but also by the frontier community which he served.

I think that he blazed a trail to let everybody respect the law, and sometimes you have got to get people's attention, and I think we have got the Nation's attention now to the contributions made by Judge Parker.

I support this bill and ask all Members to unanimously support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like again to echo the sentiments of the gentleman from Ohio [Mr. TRAFICANT] that we recognize a man such as Judge Parker who did blaze a trail in the early years of this country to establish justice and law.

I want to thank my colleague, the gentleman from Arkansas [Mr. HUTCHINSON], for being extremely relentless and persistent, consistently, to get this bill pushed through the House. I thank him for all of his efforts. I urge a ''yes'' vote on this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EVERETT). The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 1804.

The question was taken.

Mr. GILCHREST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 308, H.R. 255, H.R. 395, H.R. 653, H.R. 840, H.R. 869, H.R. 965, and H.R. 1804, the bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SENIOR CITIZENS' RIGHT TO WORK ACT OF 1995

Mr. BUNNING of Kentucky. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2684) to amend title II of the Social Security Act to provide for increases in the amounts of allowable earnings under the Social Security earnings limit for individuals who have attained retirement age, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Senior Citizens' Right to Work Act of 1995''.

SEC. 2. INCREASES IN MONTHLY EXEMPT AMOUNT FOR PURPOSES OF THE SOCIAL SECURITY EARNINGS LIMIT.

(a) INCREASE IN MONTHLY EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is amended to read as follows:

''(D) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual who has attained retirement age (as defined in section 216(l)) before the close of the taxable year involved shall be—

''(i) for each month of any taxable year ending after 1995 and before 1997, $1,166.66⅔,

''(ii) for each month of any taxable year ending after 1996 and before 1998, $1,250.00,

''(iii) for each month of any taxable year ending after 1997 and before 1999, $1,333.33⅓,

''(iv) for each month of any taxable year ending after 1998 and before 2000, $1,416.66⅔,

''(v) for each month of any taxable year ending after 1999 and before 2001, $1,500.00,

''(vi) for each month of any taxable year ending after 2000 and before 2002, $2,083.33⅓, and

''(vii) for each month of any taxable year ending after 2001 and before 2003, $2,500.00.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 203(f)(8)(B)(ii) of such Act (42 U.S.C. 403(f)(8)(B)(ii)) is amended—

(A) by striking ''the taxable year ending after 1993 and before 1995'' and inserting ''the taxable year ending after 2001 and before 2003 (with respect to individuals described in subparagraph (D)) or the taxable year ending after 1993 and before 1995 (with respect to other individuals)''; and

(B) in subclause (II), by striking ''for 1992'' and inserting ''for 2000 (with respect to individuals described in subparagraph (D)) or 1992 (with respect to other individuals)''.

(2) The second sentence of section 223(d)(4)(A) of such Act (42 U.S.C. 423(d)(4)(A)) is amended by striking ''the exempt amount under section 203(f)(8) which is applicable to individuals described in subparagraph (D) thereof'' and inserting the following: ''an amount equal to the exempt amount which would be applicable under section 203(f)(8), to individuals described in subparagraph (D) thereof, if section 2 of the Senior Citizens' Right to Work Act of 1995 had not been enacted''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to taxable years ending after 1995.

SEC. 3. ESTABLISHMENT OF DISABILITY INSURANCE CONTINUING DISABILITY REVIEW ADMINISTRATION REVOLVING ACCOUNT.

(a) CONTINUING DISABILITY REVIEW ADMINISTRATION REVOLVING ACCOUNT FOR TITLE II DISABILITY BENEFITS IN THE FEDERAL DISABILITY INSURANCE TRUST FUND.—

(1) IN GENERAL.—Section 201 of the Social Security Act (42 U.S.C. 401) is amended by adding at the end the following new subsection:

''(n)(1) There is hereby created in the Federal Disability Insurance Trust Fund a Continuing Disability Review Administration Revolving Account (hereinafter in this subsection referred to as the 'Account'). The Account shall consist initially of $300,000,000 (which is hereby transferred to the Account from amounts otherwise available in such Trust Fund) and shall also consist thereafter of such other amounts as may be transferred to it under this subsection. The balance in the Account shall be available solely for expenditures certified under paragraph (2).

''(2)(A) Before October 1 of each calendar year, the Chief Actuary of the Social Security Administration shall—

''(i) estimate the present value of savings to the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Federal Hospital Insurance Trust Fund, and the Federal Supplementary Medical Insurance Trust Fund which will accrue for all years as a result of cessations of benefit payments resulting from continuing disability reviews carried out pursuant to the requirements of section 221(i) during the fiscal year ending on September 30 of such calendar year (increased or decreased as appropriate to account for deviations of estimates for prior fiscal years from the actual amounts for such fiscal years), and

''(ii) certify the amount of such estimate to the Managing Trustee.

''(B) Upon receipt of certification by the Chief Actuary under subparagraph (A), the Managing Trustee shall transfer to the Account from amounts otherwise in the Trust Fund an amount equal to the estimated savings so certified.

''(C) To the extent of available funds in the Account, upon certification by the Chief Actuary that such funds are currently required to meet expenditures necessary to provide for continuing disability reviews required under section 221(i), the Managing Trustee shall make available to the Commissioner of Social Security from the Account the amount so certified.

''(D) The expenditures referred to in subparagraph (C) shall include, but not be limited to, the cost of staffing, training, purchase of medical and other evidence, and processing related to appeals (including appeal hearings) and to overpayments and related indirect costs.

''(E) The Commissioner shall use funds made available pursuant to this paragraph solely for the purposes described in subparagraph (C).''.

(2) CONFORMING AMENDMENT.—Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended in the last sentence by inserting ''(other than expenditures from available funds in the Continuing Disability Review Administration Revolving Account in the Federal Disability Insurance Trust Fund made pursuant to subsection (n))'' after ''is responsible'' the first place it appears.

(3) ANNUAL REPORT.—Section 221(i)(3) of such Act (42 U.S.C. 421(i)(3)) is amended—

(A) by striking ''and the number'' and inserting ''the number'';

(B) by striking the period at the end and inserting a comma; and

(C) by adding at the end the following: ''and a final accounting of amounts transferred to the Continuing Disability Review Administration Revolving Account in the Federal Disability Insurance Trust Fund during the year, the amount made available from such Account during such year pursuant to certifications made by the Chief Actuary of the Social Security Administration under section 201(n)(2)(C), and expenditures made by the Commissioner of Social Security for the purposes described in section 201(n)(2)(C) during the year, including a comparison of the number of continuing disability reviews conducted during the year with the estimated number of continuing disability reviews upon which the estimate of such expenditures was made under section 201(n)(2)(A).''.

(b) EFFECTIVE DATE AND SUNSET.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply for fiscal years beginning on or after October 1, 1995, and ending on or before September 30, 2002.

(2) SUNSET.—Effective October 1, 2002, the Continuing Disability Review Administration

Revolving Account in the Federal Disability Insurance Trust Fund shall cease to exist, any balance in such Account shall revert to funds otherwise available in such Trust Fund, and sections 201 and 221 of the Social Security Act shall read as if the amendments made by subsection (a) had not been enacted.

(c) OFFICE OF CHIEF ACTUARY IN THE SOCIAL SECURITY ADMINISTRATION.—

(1) IN GENERAL.—Section 702 of such Act (42 U.S.C. 902) is amended—

(A) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(B) by inserting after subsection (b) the following new subsection:

''Chief Actuary

''(c)(1) There shall be in the Administration a Chief Actuary, who shall be appointed by, and in direct line of authority to, the Commissioner. The Chief Actuary shall be appointed from individuals who have demonstrated, by their education and experience, superior expertise in the actuarial sciences. The Chief Actuary shall serve as the chief actuarial officer of the Administration, and shall exercise such duties as are appropriate for the office of the Chief Actuary and in accordance with professional standards of actuarial independence. The Chief Actuary may be removed only for cause.

''(2) The Chief Actuary shall be compensated at the highest rate of basic pay for the Senior Executive Service under section 5382(b) of title 5, United States Code.''.

(2) EFFECTIVE DATE OF SUBSECTION.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 4. ENTITLEMENT OF STEPCHILDREN TO CHILD'S INSURANCE BENEFITS BASED ON ACTUAL DEPENDENCY ON STEPPARENT SUPPORT.

(a) REQUIREMENT OF ACTUAL DEPENDENCY FOR FUTURE ENTITLEMENTS.—

(1) IN GENERAL.—Section 202(d)(4) of the Social Security Act (42 U.S.C. 402(d)(4)) is amended by striking ''was living with or''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to benefits of individuals who become entitled to such benefits for months after the third month following the month in which this Act is enacted.

(b) TERMINATION OF CHILD'S INSURANCE BENEFITS BASED ON WORK RECORD OF STEPPARENT UPON NATURAL PARENT'S DIVORCE FROM STEPPARENT.—

(1) IN GENERAL.—Section 202(d)(1) of the Social Security Act (42 U.S.C. 402(d)(1)) is amended—

(A) by striking ''or'' at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting ''; or''; and

(C) by inserting after subparagraph (G) the following new subparagraph:

''(H) if the benefits under this subsection are based on the wages and self-employment income of a stepparent who is subsequently divorced from such child's natural parent, the sixth month after the month in which the Commissioner of Social Security receives formal notification of such divorce.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to notifications of divorces received by the Commissioner of Social Security on or after the date of the enactment of this Act.

SEC. 5. RECOMPUTATION OF BENEFITS AFTER NORMAL RETIREMENT AGE.

(a) IN GENERAL.—Section 215(f)(2)(D)(i) of the Social Security Act (42 U.S.C. 415(f)(2)(D)(i)) is amended to read as follows:

''(i) in the case of an individual who did not die in the year with respect to which the recomputation is made, for monthly benefits beginning with benefits for January of—

''(I) the second year following the year with respect to which the recomputation is made, in any such case in which the individual is entitled to old-age insurance benefits, the individual has attained retirement age (as defined in section 216(l)) as of the end of the year preceding the year with respect to which the recomputation is made, and the year with respect to which the recomputation is made would not be substituted in recomputation under this subsection for a benefit computation year in which no wages or self-employment income have been credited previously to such individual, or

''(II) the first year following the year with respect to which the recomputation is made, in any other such case; or''.

(b) CONFORMING AMENDMENTS.—

(1) Section 215(f)(7) of such Act (42 U.S.C. 415(f)(7)) is amended by inserting '', and as amended by section 5(b)(2) of the Senior Citizens' Right to Work Act of 1995,'' after ''This subsection as in effect in December 1978''.

(2) Subparagraph (A) of section 215(f)(2) of the Social Security Act as in effect in December 1978 and applied in certain cases under the provisions of such Act as in effect after December 1978 is amended—

(A) by striking ''in the case of an individual who did not die'' and all that follows and inserting ''in the case of an individual who did not die in the year with respect to which the recomputation is made, for monthly benefits beginning with benefits for January of—''; and

(B) by adding at the end the following:

''(i) the second year following the year with respect to which the recomputation is made, in any such case in which the individual is entitled to old-age insurance benefits, the individual has attained age 65 as of the end of the year preceding the year with respect to which the recomputation is made, and the year with respect to which the recomputation is made would not be substituted in recomputation under this subsection for a benefit computation year in which no wages or self-employment income have been credited previously to such individual, or

''(ii) the first year following the year with respect to which the recomputation is made, in any other such case; or''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to recomputations of primary insurance amounts based on wages paid and self employment income derived after 1994 and with respect to benefits payable after December 31, 1995.

SEC. 6. ELIMINATION OF THE ROLE OF THE SOCIAL SECURITY ADMINISTRATION IN PROCESSING ATTORNEY FEES.

(a) ACTIONS BEFORE THE COMMISSIONER.—Section 206(a) of the Social Security Act (42 U.S.C. 406(a)) is amended—

(1) in paragraph (1), by striking the fourth and fifth sentences;

(2) by striking paragraphs (2), (3), and (4);

(3) by inserting after paragraph (1) the following new paragraph:

''(2)(A) No person, agent, or attorney may charge in excess of $4,000 (or, if higher, the amount set pursuant to subparagraph (B)) for services performed in connection with any claim before the Commissioner under this title, or for services performed in connection with concurrent claims before the Commissioner under this title and title XVI.

''(B) The Commissioner may increase the dollar amount under subparagraph (A) whenever the Commissioner determines that such an increase is warranted. The Commissioner shall publish any such increased amount in the Federal Register.

''(C) Any agreement in violation of this paragraph shall be void.

''(D) Whenever the Commissioner makes a favorable determination in connection with any claim for benefits under this title by a claimant who is represented by a person, agent, or attorney, the Commissioner shall provide the claimant and such person, agent, or attorney a written notice of—

''(i) the determination,

''(ii) the dollar amount of any benefits payable to the claimant, and

''(iii) the maximum amount under paragraph (2) that may be charged for services performed in connection with such claim.''; and

(4) by redesignating paragraph (5) as paragraph (3).

(b) JUDICIAL PROCEEDINGS.—Section 206(b)(1) of such Act (42 U.S.C. 406(b)(1)) is amended—

(1) in the first sentence of subparagraph (A), by striking ''representation,'' and all that follows and inserting the following: ''representation. In determining a reasonable fee, the court shall take into consideration the amount of the fee, if any, that such attorney, or any other person, agent, or attorney, may charge the claimant for services performed in connection with the claimant's claim when it was pending before the Commissioner.'';

(2) in the second sentence of subparagraph (A), by striking ''or certified for payment'';

(3) by striking subparagraph (B); and

(4) by striking ''(b)(1)(A)'' and inserting ''(b)(1)''.

(c) CONFORMING AMENDMENTS.—

(1) Section 223(h)(3) of such Act (42 U.S.C. 423(h)(3)) is amended by striking all that follows ''obtained)'' and inserting a period.

(2) Section 1127(a) of such Act (42 U.S.C. 1320a–6(a)) is amended by striking the last sentence.

(3) Section 1631(d)(2)(A) of such Act (42 U.S.C. 1383(d)(2)(A)) is amended—

(A) by striking ''(other than paragraph (4) thereof)''; and

(B) by striking all that follows ''title II'' and inserting a period.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) any claim for benefits under the old-age, survivors, and disability insurance program under title II of the Social Security Act, the supplemental security income program under title XVI of such Act, or the black lung program under part B of the Black Lung Benefits Act that is initially filed on or after the 60th day following the date of the enactment of this Act, and

(2) any claim for such benefits filed before such 60th day by a claimant who is first represented by any person, agent, or attorney in connection with such claim on or after such 60th day.

SEC. 7. DENIAL OF DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.

(a) AMENDMENTS RELATING TO TITLE II DISABILITY BENEFITS.—

(1) IN GENERAL.—Section 223(d)(2) of the Social Security Act (42 U.S.C. 423(d)(2)) is amended by adding at the end the following:

''(C) An individual shall not be considered to be disabled for purposes of this title if alcoholism or drug addiction would (but for this subparagraph) be a contributing factor material to the Commissioner's determination that the individual is disabled.''.

(2) REPRESENTATIVE PAYEE REQUIREMENTS.—

(A) Section 205(j)(1)(B) of such Act (42 U.S.C. 405(j)(1)(B)) is amended to read as follows:

''(B) In the case of an individual entitled to benefits based on disability, the payment of such benefits shall be made to a representative payee if the Commissioner of Social Security determines that such payment would serve the interest of the individual because the individual also has an alcoholism or drug addiction condition (as determined by the Commissioner) that prevents the individual from managing such benefits.''.

(B) Section 205(j)(2)(C)(v) of such Act (42 U.S.C. 405(j)(2)(C)(v)) is amended by striking ''entitled to benefits'' and all that follows through ''under a disability'' and inserting ''described in paragraph (1)(B)''.

(C) Section 205(j)(2)(D)(ii)(II) of such Act (42 U.S.C. 405(j)(2)(D)(ii)(II)) is amended by striking all that follows ''15 years, or'' and inserting ''described in paragraph (1)(B).''.

(D) Section 205(j)(4)(A)(i)(II) (42 U.S.C. 405(j)(4)(A)(ii)(II)) is amended by striking ''entitled to benefits'' and all that follows through ''under a disability'' and inserting ''described in paragraph (1)(B)''.

(3) TREATMENT REFERRALS FOR INDIVIDUALS WITH AN ALCOHOLISM OR DRUG ADDICTION CONDITION.—Section 222 of such Act (42 U.S.C. 422) is amended by adding at the end the following new subsection:

''Treatment Referrals for Individuals with an Alcoholism or Drug Addiction Condition

''(e) In the case of any individual whose benefits under this title are paid to a representative payee pursuant to section 205(j)(1)(B), the Commissioner of Social Security shall refer such individual to the appropriate State agency administering the State plan for substance abuse treatment services approved under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.).''.

(4) CONFORMING AMENDMENT.—Subsection (c) of section 225 of such Act (42 U.S.C. 425(c)) is repealed.

(5) EFFECTIVE DATES.—

(A) The amendments made by paragraphs (1) and (4) shall apply with respect to monthly insurance benefits under title II of the Social Security Act based on disability for months beginning after the date of the enactment of this Act, except that, in the case of individuals who are entitled to such benefits for the month in which this Act is enacted, such amendments shall apply only with respect to such benefits for months beginning on or after January 1, 1997.

(B) The amendments made by paragraphs (2) and (3) shall apply with respect to benefits for which applications are filed on or after the date of the enactment of this Act.

(C) If an individual who is entitled to monthly insurance benefits under title II of the Social Security Act based on disability for the month in which this Act is enacted and whose entitlement to such benefits would terminate by reason of the amendments made by this subsection reapplies for benefits under title II of such Act (as amended by this Act) based on disability within 120 days after the date of the enactment of this Act, the Commissioner of Social Security shall, not later than January 1, 1997, complete the entitlement redetermination with respect to such individual pursuant to the procedures of such title.

(b) AMENDMENTS RELATING TO SSI BENEFITS.—

(1) IN GENERAL.—Section 1614(a)(3) of the Social Security Act (42 U.S.C. 1382c(a)(3)) is amended by adding at the end the following:

''(I) Notwithstanding subparagraph (A), an individual shall not be considered to be disabled for purposes of this title if alcoholism or drug addiction would (but for this subparagraph) be a contributing factor material to the Commissioner's determination that the individual is disabled.''.

(2) REPRESENTATIVE PAYEE REQUIREMENTS.—

(A) Section 1631(a)(2)(A)(ii)(II) of such Act (42 U.S.C. 1383(a)(2)(A)(ii)(II)) is amended to read as follows:

''(II) In the case of an individual eligible for benefits under this title by reason of disability, the payment of such benefits shall be made to a representative payee if the Commissioner of Social Security determines that such payment would serve the interest of the individual because the individual also has an alcoholism or drug addiction condition (as determined by the Commissioner) that prevents the individual from managing such benefits.''.

(B) Section 1631(a)(2)(B)(vii) of such Act (42 U.S.C. 1383(a)(2)(B)(vii)) is amended by striking ''eligible for benefits'' and all that follows through ''is disabled'' and inserting ''described in subparagraph (A)(ii)(II)''.

(C) Section 1631(a)(2)(B)(ix)(II) of such Act (42 U.S.C. 1383(a)(2)(B)(ix)(II)) is amended by striking all that follows ''15 years, or'' and inserting ''described in subparagraph (A)(ii)(II).''.

(D) Section 1631(a)(2)(D)(i)(II) of such Act (42 U.S.C. 1383(a)(2)(D)(i)(II)) is amended by striking ''eligible for benefits'' and all that follows through ''is disabled'' and inserting ''described in subparagraph (A)(ii)(II)''.

(3) TREATMENT SERVICES FOR INDIVIDUALS WITH A SUBSTANCE ABUSE CONDITION.—Title XVI of such Act (42 U.S.C. 1381 et seq.) is amended by adding at the end the following new section:

''TREATMENT SERVICES FOR INDIVIDUALS WITH A SUBSTANCE ABUSE CONDITION

''SEC. 1636. In the case of any individual whose benefits under this title are paid to a representative payee pursuant to section 1631(a)(2)(A)(ii)(II), the Commissioner of Social Security shall refer such individual to the appropriate State agency administering the State plan for substance abuse treatment services approved under subpart II of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x–21 et seq.).''.

(4) CONFORMING AMENDMENTS.—

(A) Section 1611(e) of such Act (42 U.S.C. 1382(e)) is amended by striking paragraph (3).

(B) Section 1634 of such Act (42 U.S.C. 1383c) is amended by striking subsection (e).

(5) EFFECTIVE DATES.—

(A) The amendments made by paragraphs (1) and (4) shall apply with respect to supplemental security income benefits under title XVI of the Social Security Act based on disability for months beginning after the date of the enactment of this Act, except that, in the case of individuals who are eligible for such benefits for the month in which this Act is enacted, such amendments shall apply only with respect to such benefits for months beginning on or after January 1, 1997.

(B) The amendments made by paragraphs (2) and (3) shall apply with respect to supplemental security income benefits under title XVI of the Social Security Act for which applications are filed on or after the date of the enactment of this Act.

(C) If an individual who is eligible for supplemental security income benefits under title XVI of the Social Security Act for the month in which this Act is enacted and whose eligibility for such benefits would terminate by reason of the amendments made by this subsection reapplies for supplemental security income benefits under title XVI of such Act (as amended by this Act) within 120 days after the date of the enactment of this Act, the Commissioner of Social Security shall, not later than January 1, 1997, complete the eligibility redetermination with respect to such individual pursuant to the procedures of such title.

(D) For purposes of this paragraph, the phrase ''supplemental security income benefits under title XVI of the Social Security Act'' includes supplementary payments pursuant to an agreement for Federal administration under section 1616(a) of the Social Security Act and payments pursuant to an agreement entered into under section 212(b) of Public Law 93–66.

(c) CONFORMING AMENDMENT.—Section 201(c) of the Social Security Independence and Program Improvements Act of 1994 (42 U.S.C. 425 note) is repealed.

(d) SUPPLEMENTAL FUNDING FOR ALCOHOL AND SUBSTANCE ABUSE TREATMENT PROGRAMS.—

(1) IN GENERAL.—Out of any money in the Treasury not otherwise appropriated, there are hereby appropriated to supplement State and Tribal programs funded under section 1933 of the Public Health Service Act (42 U.S.C. 300x–33), $100,000,000 for each of the fiscal years 1997 and 1998.

(2) ADDITIONAL FUNDS.—Amounts appropriated under paragraph (1) shall be in addition to any funds otherwise appropriated for allotments under section 1933 of the Public Health Service Act (42 U.S.C. 300x–33) and shall be allocated pursuant to such section 1933.

(3) USE OF FUNDS.—A State or Tribal government receiving an allotment under this subsection shall consider as priorities, for purposes of expending funds allotted under this subsection, activities relating to the treatment of the abuse of alcohol and other drugs.

SEC. 8. REVOCATION BY MEMBERS OF THE CLERGY OF EXEMPTION FROM SOCIAL SECURITY COVERAGE.

(a) IN GENERAL.—Notwithstanding section 1402(e)(4) of the Internal Revenue Code of 1986, any exemption which has been received under section 1402(e)(1) of such Code by a duly ordained, commissioned, or licensed minister of a church, a member of a religious order, or a Christian Science practitioner, and which is effective for the taxable year in which this Act is enacted, may be revoked by filing an application therefor (in such form and manner, and with such official, as may be prescribed in regulations made under chapter 2 of such Code), if such application is filed no later than the due date of the Federal income tax return (including any extension thereof) for the applicant's second taxable year beginning after December 31, 1995. Any such revocation shall be effective (for purposes of chapter 2 of the Internal Revenue Code of 1986 and title II of the Social Security Act), as specified in the application, either with respect to the applicant's first taxable year beginning after December 31, 1995, or with respect to the applicant's second taxable year beginning after such date, and for all succeeding taxable years; and the applicant for any such revocation may not thereafter again file application for an exemption under such section 1402(e)(1). If the application is filed after the due date of the applicant's Federal income tax return for a taxable year and is effective with respect to that taxable year, it shall include or be accompanied by payment in full of an amount equal to the total of the taxes that would have been imposed by section 1401 of the Internal Revenue Code of 1986 with respect to all of the applicant's income derived in that taxable year which would have constituted net earnings from self-employment for purposes of chapter 2 of such Code (notwithstanding section 1402(c)(4) or (c)(5) of such Code) except for the exemption under section 1402(e)(1) of such Code.

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to service performed (to the extent specified in such subsection) in taxable years beginning after December 31, 1995, and with respect to monthly insurance benefits payable under title II of the Social Security Act on the basis of the wages and self-employment income of any individual for months in or after the calendar year in which such individual's application for revocation (as described in such subsection) is effective (and lump-sum death payments payable under such title on the basis of such wages and self-employment income in the case of deaths occurring in or after such calendar year).

SEC. 9. PILOT STUDY OF EFFICACY OF PROVIDING INDIVIDUALIZED INFORMATION TO RECIPIENTS OF OLD-AGE AND SURVIVORS INSURANCE BENEFITS.

(a) IN GENERAL.—During a 2-year period beginning as soon as practicable in 1996, the Commissioner of Social Security shall conduct a pilot study of the efficacy of providing certain individualized information to recipients of monthly insurance benefits under section 202 of the Social Security Act, designed to promote better understanding of their contributions and benefits under the social security system. The study shall involve solely beneficiaries whose entitlement to such benefits first occurred in or after 1984 and who have remained entitled to such benefits for a continuous period of not less than 5 years. The number of such recipients involved in the study shall be of sufficient size to generate a statistically valid sample for purposes of the study, but shall not exceed 600,000 beneficiaries.

(b) ANNUALIZED STATEMENTS.—During the course of the study, the Commissioner shall provide to each of the beneficiaries involved in the

study one annualized statement, setting forth the following information:

(1) an estimate of the aggregate wages and self-employment income earned by the individual on whose wages and self-employment income the benefit is based, as shown on the records of the Commissioner as of the end of the last calendar year ending prior to the beneficiary's first month of entitlement;

(2) an estimate of the aggregate of the employee and self-employment contributions, and the aggregate of the employer contributions (separately identified), made with respect to the wages and self-employment income on which the benefit is based, as shown on the records of the Commissioner as of the end of the calendar year preceding the beneficiary's first month of entitlement; and

(3) an estimate of the total amount paid as benefits under section 202 of the Social Security Act based on such wages and self-employment income, as shown on the records of the Commissioner as of the end of the last calendar year preceding the issuance of the statement for which complete information is available.

(b) INCLUSION WITH MATTER OTHERWISE DISTRIBUTED TO BENEFICIARIES.—The Commissioner shall ensure that reports provided pursuant to this subsection are, to the maximum extent practicable, included with other reports currently provided to beneficiaries on an annual basis.

(c) REPORT TO THE CONGRESS.—The Commissioner shall report to each House of the Congress regarding the results of the pilot study conducted pursuant to this section not later than 60 days after the completion of such study.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky [Mr. BUNNING] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. JACOBS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today, it is my honor to speak on behalf of the Senior Citizens' Right To Work Act of 1995, because I am also speaking on behalf of the 1 million people who are affected by the Social Security earnings limit.

Over a year ago, we promised working seniors financial relief from the punitive earnings limit which is imposed on many older Americans who must work to make ends meet.

Today we are taking one more step toward fulfilling that promise with the Senior Citizens' Right To Work Act.

H.R. 2684 is a fair and balanced bill. It is fair to the working seniors. It is fair to the financial soundness of the Social Security trust fund.

This legislation enjoys widespread support among the senior community, because they, too, know it is good policy to do what is right for working seniors.

The members of the Ways and Means Committee know it is good policy, too, because it passed the committee unanimously on a vote of 31 to 0.

I urge my colleagues to follow the example of the Ways and Means Committee and pass the Senior Citizens' Right To Work Act of 1995.

Mr. Speaker, I reserve the balance of my time.

Mr. JACOBS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, of course, support this legislation as well, and I commend the gentleman from Kentucky as well as the gentleman from Texas who are longstanding supporters of the concept, and I cannot think of a better example of a legislative accommodation to various points of view.

There were those of us, and still are, who believe that it is improper to repeal the retirement test altogether, those of us who believe that retirement benefits should, in fact, go to people who are retired. But the compromise this bill represents is a very happy one, as the gentleman from Kentucky has said, for practically any reasonable person who has dealt with this issue over the years. This is a happy moment for the American people. It is a proud moment for the Congress, and it might not be a bad example for the people moving across the hall here to negotiate the whole budget.

There has been give and take. There has been friendship. And there has been accomplishment, and we have arrived at that accomplishment today.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise today not in the manner that I would have liked. I support this bill. I support final passage of this bill.

But I am truly disappointed that the bill came up under suspension, because it gives us no opportunity to amend the bill, and I had planned to testify today before the Committee on Rules to ask that we could have an amendment to continue equity for the blind people of this Nation. Up to this point, people in America who are blind have the same situation on earnings test limits as those who are 65 and older, and my amendment would have maintained this current link between senior citizens and the blind for the purposes of Social Security earnings.

This Social Security earnings test link was put forth originally by our own chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER]. He had this idea that this was a very good thing for the blind to have this same type of situation, and it became law nearly 20 years ago. Unfortunately, the bill before us will break that link, and the blind will no longer have the same work incentive our senior citizens should and will enjoy.

Earlier in the year I submitted a similar amendment before the Committee on Rules during consideration of the Contract With America, and the amendment was not permitted on the floor of the House. Today, again, I tried to get an amendment before the Committee on Rules, but, unfortunately, the decision was made to have this come under suspension.

Mr. Speaker, I feel this is unfortunate for the blind of this country not to be allowed to have the vote, but, more importantly, the link is broken. So I would like to say today, whereas it was not found possible to do this, the blind are very interested in this piece of legislation and would certainly like to reestablish this link. I would hope somewhere down the line this could come up again and we could have something that will work and continue.

□ 1645

Mr. BUNNING of Kentucky. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Texas [Mr. ARCHER] the chairman of the full Committee on Ways and Means.

Mr. ARCHER. Mr. Speaker, I thank my friend from Kentucky for yielding me time.

Today is truly a banner day for this House of Representatives and for the country. As my friend, the gentleman from Indiana, ANDY JACOBS, said, we should find more opportunities to work together for the betterment not only of our senior citizens, but for all Americans.

Today is particularly a sentimental day for me, because over 20 years ago I initiated the effort to eliminate the retirement test. I felt very strongly that this country was losing tremendous talent available in its senior citizens who, if they did work, were penalized by losing their Social Security benefits and paying the highest effective marginal tax rate as a result of any age group in the country.

Today, after all of those years, we are making a move in the right direction, and it is a result of the work of the gentleman from Kentucky, JIM BUNNING, our subcommittee chairman, cooperating with the gentleman from Indiana, ANDY JACOBS, the ranking Democrat on the committee.

But it is also a sentimental day for Barry Goldwater. I hope in some way that he may be watching today, because year after year he was the lead Senate sponsor of this legislation, until he retired from the Senate.

This earnings limit brings about the most odious administrative nightmare in every Social Security office across this country. If you talk to people who who are there day by day, having to deal with Social Security problems, you will find that they will tell you that this is the toughest thing they have to deal with, just from a standpoint of administrative redtape.

When fully phased in, this will eliminate about 50 percent of the people who have to comply with it and bring about these mountainous files of uncertainty.

Seniors who want to work after the passage of this bill will be able to continue to do so up to earning $30,000 a year. That is a giant step forward. It will unlash an awful lot of talent, an awful lot of resources, to help push this country forward in the years ahead.

Mr. Speaker, I could not be more gratified with the response on a bipartisan basis, where this bill came out of our committee on a 31-to-0 vote, to send it to the Senate, where hopefully

they will pass it speedily and put it on the desk of the President so it can be signed soon this year.

Mr. BUNNING of Kentucky. Mr. Speaker, I have the good fortune to yield 1 minute to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I rise today in support of this most important piece of legislation. It has been late in coming, but it is certainly an answer to many of our commitments to our senior citizens.

For many it is very difficult to live on Social Security and then be limited to $11,000 a year in earnings limits, as existing law provides. By increasing this over 7 years to $30,000, we are recognizing the fact that many of our seniors want to continue to work, can continue to work, and can live a much better and fuller life if they are able to work. It is high time that this legislation pass.

I compliment the chairman and the gentleman from Indiana [Mr. JACOBS] for working on this, in a bipartisan way, to bring this most important piece of legislation to the House floor.

Mr. JACOBS. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the bill before us is not very controversial. The base bill does provide for an increase in the earnings limit for senior citizens. I guess we could debate, and possibly the Senate will debate, whether or not it should go to $30,000 over a period of 7 years. But the point I want to raise with the body today is, No. 1, the process on how the bill got before us today, and then two of the components which are very troublesome to me.

We were notified, I believe last week, that this bill would be coming before the Committee on Rules today at 2:30, at which time Members who were interested could approach the Committee on Rules and ask for various amendments to be made in order.

That is the usual process when we are amending bills and debating bills. However, for whatever reason, unbeknownst to this speaker, the Committee on Rules canceled that hearing on this particular bill and it was rushed to the House under a procedure we call suspension of the rules. The suspension of the rules procedure does not permit any amendments to be offered to the legislation being debated.

So essentially what the Republican majority has done is cut some of us off, some of us who wanted to propose some constructive changes to the legislation we were debating.

You ask what are those changes? What do you want to change about the bill? There are two major changes I think that have to be addressed.

One was already spoken to by the gentlewoman from Connecticut [Mrs. KENNELLY], and it is something we did discuss before the committee and I am sad to say to no avail. But under current law and under an amendment back to 1977 that was proposed by my good friend, the gentleman from Texas [Mr. ARCHER], the chairman of the committee, there was a linkage formed between the blind and the earnings test for Social Security recipients. However, although that linkage has proved very beneficial to the blind involved and it has been in the law since 1977, for some reason, unbeknownst to me, that linkage is ending with the passage of this bill.

If you look at the plight of a blind person who has tried to struggle in a low paying job, to not permit them to earn more as we are doing for retired people I think is absurd. In fact, the example I used before the Committee on Ways and Means during markup was take the situation of a blind person who is not going to get better in his or her lifetime, unless a miracle would occur, a blind person who is trying to increase their stand in this country, and they try to get a job earning more money. But they know full well they are going to lose. A person who is blind who is trying to earn will lose Social Security benefits.

However, a retired person who is, say, 66 years old, very, very healthy, not blind, will over a 7-year period be able to earn $30,000, and I think the unlinking of the two is totally unfair. However, because of the Republican procedure today, the blind people will not get a separate vote on their request to my office and many others to keep this linked.

The other problem with the bill has nothing to do with the earnings test. However, under current law for attorneys who represent people in Social Security disability cases, they receive their reimbursement for the representation through a separate check from the Social Security Administration. That is being done away with. It does not save any money. We are told it might cost some money, but we are going to save some man-hours. We did want to offer before the Committee on Rules a proposal wherein we take the one disability check going to the beneficiary, have two payees listed on the check, and if in fact that did not cover the cost we would provide for a $20 fee. That was not permitted. That is sad.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I must say that this is a day that many of us in this body can stand and say promises made, promises kept, because both sides of the aisle have promised our seniors we would give them relief in their earnings ability by allowing them to continue to work and earn extra money and not be penalized for such.

It comes from both sides of the aisle. As has been mentioned, both in the subcommittee and the full committee, there was not a dissenting vote. Again, this is how this body can work.

I go back to just 10 days ago, on Sunday evening in this same body when on a unanimous consent we sent a continuing resolution down to the White House that would do the same thing, promises made, promises kept. That is why we all agreed to a 7-year balanced budget. I look forward to the day we stand here unanimously and say we fulfilled that promise also.

Mr. BUNNING of Kentucky. Mr. Speaker, I now have the pleasure of yielding 1 minute to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 2684, legislation that will raise the Social Security earnings limit for working seniors who right now face higher real tax rates than millionaires in the current system.

While senior citizens are the primary beneficiaries of this legislation, I am pleased to say another important sector of our work force will also benefit, and that is members of the clergy.

H.R. 2684 includes a provision that I have advocated that would provide a 2-year open season for members of the clergy to enroll in Social Security. Some members of the clergy elected not to participate in Social Security early in their careers, before they fully understood the ramifications of opting out. Because the election process is irrevocable, there is no way for them to participate in the program under current law. Clergy typically have the most modest earnings throughout their working lives, and would be among those most likely to rely on Social Security. This legislation would give them an opportunity to enroll.

Mr. BUNNING of Kentucky. Mr. Speaker, I have the pleasure of yielding 1 minute to the gentleman from Texas [Mr. SAM JOHNSON] a member of the Subcommittee on Social Security and a member of the full committee.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I appreciate the gentleman yielding time.

Mr. Speaker, the only thing that is more important than repealing the 16th amendment and getting rid of the IRS is fixing it so our citizens have the right to work and earn whatever they want to. This bill, believe it or not, allows anyone between 65 and 70, which is what we are talking about, to hit $14,000 as a salary limit this year, this next year, instead of having to wait until the year 2002, which is what current law does.

You know what that does? That helps 20 percent of those involved in that category, which is 925,000 people. That means those guys are not going to have to pay any more tax. That means they can work at Wendy's and McDonald's or wherever they want to and earn money without being subject to the Federal Government of this Nation.

Mr. Speaker, I think we have to pass it. It is a duty that we have.

Mr. BUNNING of Kentucky. Mr. Speaker, I have the pleasure of yielding 1 minute to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. Mr. Speaker, I thank the distinguished chairman for yield me time.

Mr. Speaker, I rise today in strong support of this legislation. One provision of this bill, Mr. Speaker, cuts off benefits for those individuals considered disabled solely based on their addiction to either drugs or alcohol. I strongly support this provision.

Mr. Speaker, as a recovering alcoholic who spends a great deal of my time with other alcoholics and addicts who are still suffering the ravages of chemical addiction, I can tell you that paying cash benefits to these people is not the kind of help that they need. In fact, cash benefits only make the problem of addiction worse, only serve to enable, to fuel the addiction.

Those addicted to drugs or alcohol do not need cash, they need treatment. This bill, Mr. Speaker, provides $200 million in additional money to the States through an existing block grant program for the prevention and treatment of substance abuse.

So I commend my distinguished colleague on the Committee on Ways and Means, the chairman of the Subcommittee on Social Security, for bringing this thoughtful piece of legislation to the floor, and I urge all of my colleagues to give substance abusers the help that they need. Support this legislation.

Mr. JACOBS. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, I thank my friend from Indianapolis for yielding me time. There is not a man nor woman on that particular side from the gentleman's party whom I respect more, and whom I am going to dearly miss after his retirement this year.

Mr. Speaker, today represents another step in our efforts to increase the Social Security earnings limit. Currently senior citizens between the ages of 65 and 69 lose $1 in Social Security benefits for every three they make over $11,280. This important piece of legislation we are considering today will change that. It will raise the earnings limit for those ages 65 to 69 to $30,000 by year 2002, thereby removing this disincentive to work and allowing seniors to keep more of their hard-earned dollars.

This bill is especially important to the folks I represent back in Nebraska. The Omaha area is currently experiencing a labor shortage. With unemployment hovering around 2 percent, our efforts to raise the earnings limit will allow more seniors to enter the work force without being punished by the Federal Government, thereby providing Nebraska businesses with experienced employees rich in talent and full of ability.

□ 1700

Simply put, lifting the earnings limit for our Nation's seniors is the right thing to do. And as my friend from Georgia earlier said, promises made, promises kept.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Mr. Speaker, I thank the distinguished gentleman for yielding. I rise in support of the Senior Citizens Right to Work Act which will raise the earnings limit for seniors.

This legislation accomplishes two important tasks: First, it ends the policy of subsidizing drug and alcohol abuse with Social Security funds; and, second, and very importantly, it ends the practice of punishing seniors who want to work.

Currently, seniors who want to remain a vital part of the work force will lose $1 of their Social Security contributions for every $3 they earn over $11,280. This legislation will remove the disincentive to work placed upon seniors by raising that limit.

American seniors have worked hard to pay into the Social Security trust fund. This legislation not only protects their investment and honors our commitment to them, it also encourages seniors to continue their contribution to our Nation's work force.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Speaker, I thank my chairman for yielding me time. I am proud to stand in support of the Senior Citizens Right to Work Act, and I am proud to have been an original cosponsor of this bill. Not only does it raise the earnings limit for our senior citizens between the ages of 65 and 70, just as importantly as allowing them to have hard-earned money to help them in these years, it gives the added benefit of allowing them to continue working to allow the senior citizens to do the things they want to do in their golden senior years.

Mr. Speaker, that is a benefit that is healthy to them beyond the financial earnings. And in that I cite as an example of my own father who today is working at age 76. This law does not apply to them because seniors above the age of 70 are not subjected to earnings limits. But I see senior citizens who find it healthy for their own day-to-day happiness and well-being to be working, and I am proud to support this bill, and I urge my colleagues to support it.

Mr. JACOBS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington [Ms. DUNN].

Ms. DUNN of Washington. Mr. Speaker, I thank the gentleman for yielding me this time. This is a wonderful piece of legislation. It has simply taken too long to come to the floor of the House. It is bipartisan. It came out of our Committee on Ways and Means with a vote of 31 to 0, and it is time, in fact, beyond time, that this legislation go into effect.

I support this legislation largely because I think it is just plain wrong to penalize our most experienced and dedicated workers for continuing to work and contribute to a better livelihood for themselves and also to a better future for the United States.

Seniors across the country want to work beyond age 65 because a fixed Social Security income alone these days often does not provide adequate financial security. I think also the younger people in the workplace gain a lot through the experience of those folks who continue to work. It is good for all of us.

Unfortunately, currently the earnings limit discriminates against some of our senior citizens and prevents us from being able to benefit from the talents of millions of experienced professional. The earnings limit punishes seniors after they have earned $11,280 by hitting them with an additional effective tax of 33 percent. It is too long that this has gone on. Now is the time to change it.

Mr. Speaker, I do want to make one note about an amendment that was accepted unanimously in the Committee on Ways and Means that is included in this legislation, a provision I offered during our consideration by our committee, that is, in effect, a sunshine amendment. It is designed to help seniors better understand their contributions and benefits under the Social Security system.

The lack of information currently provided to seniors simply is unacceptable. My parents and seniors around this country have a desire, a need, and certainly a right to know about the status of their participation in the system, and so the amendment we proposed outlines the total income earned by each senior.

Mr. Speaker, the provisions that we have added to this bill that would give further information on Social Security are: The total income earned by the individual receiving benefits, the total Social Security contributions by that individual and separately by that individual's employer, and, finally, the total dollars that have been received back by the beneficiary from Social Security.

I think, Mr. Speaker that it will open up a degree of information that has never been available before. It will help people understand what their return is on the current Social Security compared to what they have paid in. Numerous seniors in my district find it ironic that other retirement benefit programs, like mutual funds and IRAs, provide this type of information in writing on a quarterly basis.

Our proposal is a study for a period of 2 years with not more than 600,000 recipients. We will see how it works, and I hope continue to provide this and further information.

Mr. Speaker, I urge my colleagues to vote for this proposal. it is, as I said, way beyond its time. It will be good for seniors and good for all of us.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. HEINEMAN].

(Mr. HEINEMAN asked and was given permission to revise and extend his remarks.)

Mr. HEINEMAN. Mr. Speaker, I thank the gentleman for giving me this time.

I rise in strong support of this legislation. I am a cosponsor of the bill and I urge my colleagues to strongly, strongly support the bill.

I am proud to be an original cosponsor of this legislation, which helps to fulfill a solemn pledge I made to the senior citizens in the Fourth Congressional District of North Carolina to remove this burdensome tax targeted at our working senior citizens.

Mr. Speaker, as a senior citizen myself I know that current law penalizes seniors who want to work by imposing an earnings limit on the amount of outside income they can receive while still obtaining their full Social Security benefits. Seniors between the ages of 65 and 69 currently lose $1 in Social Security benefits for every $3 they earn above $11,280. This kind of earnings limit amounts to an additional 33 percent tax on top of existing income taxes.

I know from first hand experience that many seniors continue to lead active and productive lives and contribute in important ways to our community. We should be supporting seniors who want to work, not penalizing them. H.R. 2684 will raise the current earnings limit from $11,280 to $30,000 by the year 2002. After the year 2002, the earnings limit will be indexed to the growth in average wages.

Mr. Speaker, this is a modest, but critical reform, and I am pleased to lend my support to this much needed legislation.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TORKILDSEN].

(Mr. TORKILDSEN asked and was given permission to revise and extend his remarks.)

Mr. TORKILDSEN. Mr. Speaker, I rise in strong support of the increase in the earnings limit for Social Security recipients.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. HASTERT], who has worked for the last 8 years to make this bill law.

(Mr. HASTERT asked and was given permission to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, this certainly is a red letter day for this Congress, but certainly, even more than that, a red letter day for the seniors of this country. It would not have happened, and I want to thank specifically the gentleman, who, after we passed this bill out of this House with over 400 votes on it, and the funding mechanism was rejected by the Senate, the gentleman from Kentucky [Mr. BUNNING] came back, worked with the staff diligently and made it work. We need to thank him profusely for that effort to make sure that this bill is on this floor today so that we can pass it and move it on.

I also want to thank other Members, the gentleman from Texas, DICK ARMEY, who carried this bill for years in the House; and another gentleman from Texas, BILL ARCHER, who carried it for 20 years in the House as an important piece.

What this bill does, ladies and gentleman, it helps working seniors, seniors who do not have pension income or stocks and bonds tacked away; people who have never had the chance to save and invest, and yet when they want to work to bring up their standard of living, to be part of this country, to share in the economy, to help their grandchildren, to take a vacation, to buy a car, when they go to earn those extra dollars, they get hit with a marginal tax rate of 56 percent when they exceed the limit of $11,000. Fifty-six percent, nearly twice the rate that millionaries pay today. Those seniors who live off investment incomes are not impacted by the earnings limit.

Mr. Speaker, this is not just a right. America's working seniors should not be punished just because they never had money to tuck away and must now keep working to make ends meet. This tax relief for working seniors is sorely needed.

Even though we know working seniors will pay more into our economy and more than offset the cost associated with lifting the earnings limit, the Congressional Budget Office will not allow this dynamic method of scoring. The gentleman from Kentucky [Mr. BUNNING] has worked to put together a proposal that meets the CBO budget rules and has also looked at that extra dynamic.

Ladies and gentlemen, this is a salute to senior citizens, people who have worked their whole life, people who have yet to give information and education and leadership to people who are younger, that they can be the person that they look up to in a work force in a small store, a candy store, a McDonald's, the Sears area, all of those people who endorse this piece of legislation.

I again salute the gentleman from Kentucky for his tremendous leadership and his staff for bringing this piece of legislation together and salute the seniors of this country so that they can make a statement in their behalf as well.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I thank my colleague from Kentucky for yielding me this time.

Mr. Speaker, the earnings test limit is unfair and unjust. It is, effectively, a mandatory retirement mechanism for a country no longer in need of it. It precludes greater flexibility for the elderly worker, and also prevents America's full use of the eager, experienced, and educated elderly worker. Finally, it deprives the U.S. economy of the additional income which would be generated by the elderly worker.

Mr. Speaker, I am an original cosponsor of this bill, and I certainly want to applaud my colleague from Kentucky, Mr. BUNNING; and, of course, the gentleman from Illinois, Mr. DENNIS HASTERT, who has labored in the vineyards for many years. When I came here in 1989, we worked so hard to get this bill forward, and I think now we have an opportunity to pass a great bill, to gain economic equality for those elderly workers who either want to work or must work in order to maintain a decent lifestyle.

Mr. JACOBS. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to speak on behalf of this legislation which our senior citizens of the United States have been waiting for. The income eligibility raising is certainly an idea whose time has arrived.

I have to congratulate all those colleagues who have been working so long and hard to make this legislation a reality. The fact is that seniors should be able, under 70 years of age, to earn more than $11,280. Under this legislation it will raise the income limit up to $30,000 without having the deduction from their Social Security.

Anything we can do to help the seniors, who have helped us have the right to be here in Congress and to serve, certainly need our attention, our respect and admiration. I thank the individuals who have brought this legislation forward: the gentleman from Illinois, DENNIS HASTERT, the gentleman from Kentucky, Mr. BUNNING, and others, the gentleman from Indiana, Mr. JACOBS. I appreciate all their help in making this day possible and urge all my colleagues to support the legislation.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I am overjoyed to rise today in strong support of the Senior Citizens Right to Work Act. This is very good news for seniors in Florida and all across America.

The issue here is very, very simple. Big brother, the Federal Government, is no longer going to punish seniors who choose to remain a productive part of the American work force. The new majority in Congress made a promise to our Nation's seniors that we would fix the unfair earnings test process and that is what is happening.

Mr. Speaker, today's action provides one more example of promises made, promises kept, as we have said before. By raising the earnings test threshold from the meager $11,280 to $30,000 over the next 6 years we are sending a clear message to seniors that hard work and self-reliance are still valued qualities in the United States of America.

Although I feel strongly that we should abolish the earnings test limit altogether, because there should be no

additional tax penalty for work just because an individual has reached a certain age, this legislation does move us much further to that ultimate goal.

Mr. Speaker, I urge a ''yes'' vote and very much commend the gentleman from Kentucky [Mr. BUNNING], the gentleman from Illinois [Mr. HASTERT], and the gentleman from Indiana [Mr. JACOBS], for their strong, persistent, smart leadership in this matter.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

□ 1715

Mr. FOLEY. Mr. Speaker, I appreciate the work of the gentleman from Kentucky on this issue. My father is 73 and a principal of a school in Palm Beach County, FL, very active. For those between the age of 66 and 69, they should have the same opportunities.

Mr. Speaker, we have commended people for work in America. Many of our bills talk about work being an honorable occupation. Go out and work. Get a job. But somehow when we hit 66, we are told, ''Sorry, unless you are going to be penalized, you do not need to pursue gainful employment.''

So, I think this Congress is on the right track. Restoring dignity. Instead of telling people just because they hit a magic number, this age, that they are no longer wanted, now we are saying they continue to be wanted. They will be productive. They will continue to pay taxes and they will have a benefit to society.

Public supermarkets in my district employ many seniors in assisting in grocery checkouts and other items. People are proud to have that opportunity to continue to remain active in their communities and the job market.

Mr. Speaker, I commend the chairman for his leadership on this and urge passage.

Mr. JACOBS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, I really hate to be the skunk at the Republican picnic this afternoon, but in my previous remarks I indicated that this bill is basically noncontroversial. But, also, one of the bad things that this bill that we are going to be voting on does is delink the earnings test for the blind.

Mr. Speaker, we have 17,000 people, it is not a heck of a lot, but we have 17,000 blind Americans who qualify for this program today and they are being delinked. Yet after I made those comments, not one Republican would stand up and defend that law change. That is sad.

The Speaker of this House, when he addressed the National Federation of the Blind, back in February of this year, indicated that removing the linkage for the blind was a major mistake and that he would make sure that was taken out. That is all we have heard for the last half hour is this gushing, gushing for our senior citizens. We have heard that through this measure we are going to salute our senior citizens. This is the same party, my friends, that is cutting Medicare for the senior citizens by $270 billion. Doubling their premiums, cutting $185 or $182 billion out of Medicaid, which provides nursing home care. Where were the salutes then? Where was the support and all the gushing then?

Through this bill, the seniors are going to have to work to pick up what they are losing in their health care program. This is ridiculous.

Mr. BUNNING of Kentucky. Mr. Speaker, would the Chair please give us the time remaining on both sides?

The SPEAKER pro tempore (Mr. EVERETT). The gentleman from Kentucky [Mr. BUNNING] has 2½ minutes, the gentleman from Indiana [Mr. JACOBS] has 5 minutes remaining.

Mr. JACOBS. Mr. Speaker, I have no further requests, and I yield back the balance of my time.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, just in response to the gentleman from Wisconsin [Mr. KLECZKA], there are over 120 organizations currently trying to get the nonblind disabled to the same level of earnings that are under this bill for the blind disabled. The blind disabled in this bill continue to have the same limit on earnings that are in the current law. In other words, their limit on earnings will rise to $14,400 by the year 2002. The nonblind disabled are stuck at $6,000.

The cost of raising the nonblind disabled to the blind disabled currently is approximately $10 billion. We do not have the money to do that. To take them to where the gentlewoman from Connecticut [Mrs. KENNELLY] would like to take them, the cost would run approximately $20 billion over just the next 5 years. We do not have the money to do that.

The bill preserves the indexing of the limitation on earnings for blind disabled recipients in the future. So, in answer to the gentleman from Wisconsin, blind disabled recipients lose nothing as the result of this bill.

In summary, I would first like to thank everybody that has worked on this bill: the staff, Phil Moseley, Valerie Nixon, Kim Hildred, Katherine Keith, Mary Anne Gee, Ken Morton, Janice Mays, Sandy Wise, and Cathy Noe; but most of all I would like to thank my colleague, the gentleman from Indiana [Mr. JACOBS]. Without his help we could not have gotten this bill together and accomplished on a bipartisan basis, both in the subcommittee and in the full committee.

When we get a bill that comes out of our subcommittee almost on a unanimous vote, and a bill that comes out of the full Committee on Ways and Means, this day and age on a unanimous vote, I am certainly very proud of that fact. And it is because of the leadership of the gentleman from Indiana on his side that we were able to accomplish that.

We know that the gentleman is going to retire, and maybe we could name this the Andy Jacobs retirement bill. The fact of the matter is I am sorry to see him leave, and I am very proud to have worked with the gentleman over the past 5 years on the Subcommittee on Social Security.

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of this legislation to raise the Social Security earnings limit. Under this bill, the annual income senior citizens will be allowed to earn, without penalty, will rise from $11,280 to $30,000 over the next 5 years.

In this day and age, I cannot believe that there would be anybody in this Chamber who wants to discourage people from working. Yet the earnings limit does precisely that. It is a foolish policy and one which creates perverse economic incentives. H.R. 2684 represents a solid first step and goes a long way toward lifting the burden placed on those seniors who continue to work and make contributions to America's economic activity.

Under current law, seniors under the age of 70 who choose to work lose $1 out of every $3 they earn over some arbitrary and bureaucratic limit—currently set at $11,280 a year. To punish these folks, who have racked up years of experience, wisdom, and institutional knowledge makes no sense whatsoever. By raising the limit to $30,000, we begin to ease the penalty and, I hope, make definite strides to eliminating the earnings test altogether.

The elections that swept Republicans into the majority were about rearranging our priorities and keeping our promises. We promised to raise the earnings limit in the Contract With America, and this bill, of which I am proud to be an original cosponsor, is symbolic of our efforts to keep our promises and fix a Government which all too often sends hardworking citizens the wrong signals.

H.R. 2684, Mr. Speaker, is only a partial fix and only the beginning of corrective action which is long overdue. Last year, I cosponsored legislation—H.R. 300—which would have fully repealed the earnings limit and again this year, I cosponsored legislation—H.R. 201—to fully repeal the earnings test. For years, we have heard people argue that raising the earnings limit or repealing the earnings test would only benefit the wealthy. What these people either forget or ignore is the fact that under current law, income derived from private pensions and investments is not subjected to the limit at all. Therefore the argument that this bill would only benefit the wealthy is completely without merit. In fact, the ultrawealthy can and already do earn as much as they want from their investments, but middle-class hardworking men and women who want to keep a job are penalized for moneys they earn. H.R. 2684 addresses this inequity and restores fairness for those who want to work.

For many of our elderly citizens, the additional wages they will be allowed to earn, without penalty, is important. But for many more there is an even greater reward: The dignity of working, earning, and keeping an honest buck. There is a spiritual as well as a health benefit to be derived from keeping active, working and being fairly compensated. Why the Federal Government would punish people for this is beyond me.

Mr. Speaker, H.R. 2684 also corrects a number of other injustices as well. Like the

fact that under current law, alcoholics and drug abusers can receive Social Security disability cash payments. As I said earlier, Republicans were elected to change our priorities, and here is a clear-cut case of mixed up priorities. Punish seniors who decide to work, but give cash benefits to drug and alcohol abusers? These people need treatment and counseling. Under H.R. 2684, people addicted to alcohol or drugs will no longer be eligible to receive benefits due to disability. Instead, the bill redirects some of that funding to various drug and alcohol treatment programs so that people get the type of help they need.

Mr. Speaker, in closing I would reiterate that this bill on the whole is a solid piece of legislation that can and should receive bipartisan support. It is unfortunate that during the years that the Democrats controlled the House this legislation was never brought to the floor for a vote and thus people continued to pay penalties at a very low threshold. Today, I am proud to be a cosponsor of H.R. 2684, and I look forward to building upon this achievement and eliminating the irrational earnings test altogether.

Mr. MARTIN. Mr. Speaker, I am pleased to come before you today to express my support for the Senior Citizens' Right to Work Act of 1995.

The time has come to defend the working seniors of America—seniors that have been penalized for their productive contributions to society.

The current Social Security earnings limit of $11,280 has demonstrated Government's apathy toward those seniors who continue to work in retirement out of necessity. We must never forget that, for many seniors, work is not a choice.

More importantly, the wisdom of our Nation's seniors is needed in today's work force. America benefits from their work ethic and their experience.

I urge support for this legislation, and commended those seniors who have continued to offer their ideas and services beyond retirement. These reforms in Social Security reflect our values to allow personal responsibility and opportunity.

Mr. POMEROY. Mr. Speaker, it is with great pleasure that I offer my support for H.R. 2684, the Senior Citizens' Right to Work Act.

For many senior citizens, their retirement years are not golden and filled with leisure. Many of our elderly who cannot make ends meet with their savings and Social Security benefits have no other choice but to continue working. This legislation will help low-income senior citizens, especially single women, who are at risk of living in poverty during their retirement years.

As the safety net for the elderly begins to fray due to cuts in Medicare and other programs, the least we can do is allow those who need to work to keep more of their benefits. I am pleased the Ways and Means Committee was able to forge a bipartisan bill on this important issue.

Mr. PORTMAN. Mr. Speaker, I rise today in support of H.R. 2684, the Senior Citizens' Right to Work Act. As you know, in 1935 Congress passed the Social Security Act to provide a stable source of income to older Americans. This program, however, includes an earnings limit that unfairly penalizes those senior citizens who want to work beyond the retirement age. Mr. Chairman, by raising the Social Security earnings limit to $30,000 by the year 2002, H.R. 2684, in part, fulfills our promises made to senior citizens in the Contract With America. Let me explain.

First, it is a matter of fairness for seniors. Under current law, a senior citizen loses $1 in benefits for every $3 earned, above the $11,280 limit. This limit hurts low and middle-income senior citizens the most. These are individuals who work out of necessity—and need the income. Raising the earnings limit will enable these individuals to work so that they can make ends meet.

Second, the low earnings limit penalizes senior citizens for remaining in our workforce. Our economy suffers from the loss of experience and skills that seniors bring to the work force. I have heard first hand from constituents in my district, that the earnings limit actually inhibits some seniors from working because the lose a portion of their Social Security benefits.

Third, raising the earnings limit will help stimulate the economy. Obviously , senior citizens will be paying more taxes if they are working, and at the same time, have more money in their pockets to spend.

Significantly, this legislation is paid for by spending cuts that make sense. Among other things, the bill eliminates the current practice of providing disability benefits to individuals that are considered disabled only because they are alcoholics or drug addicts. It also creates a revolving fund to finance continuing disability reviews to determine whether individuals receiving disability benefits are still disabled. Based on government studies, these reviews will result in fewer beneficiaries and substantial savings to the taxpayer.

Mr. Speaker, I strongly urge my colleagues to support this legislation. By increasing the Social Security earnings limit, it lessens the penalty for many senior citizens and it does so, in the most fiscally responsible manner.

Mr. BUYER. Mr. Speaker, I rise in strong support of this important legislation. The current earnings limit has been a disincentive for seniors to continue to be productively employed. In particular, the present earnings limit imposes a hardship on middle and lower-income retirees, who often rely on earnings from work to supplement their Social Security benefits. The earnings penalty is in reality a huge marginal tax on working seniors. It discourages work and it is discriminatory between earned (wages) and unearned (dividends, interest, etc.) income.

I support this legislation which will allow our seniors to continue to work and not be penalized for it. The ''Senior Citizens' Right to Work Act of 1995'' is long overdue and is just one piece of our puzzle as we bring tax fairness back to America's tax code. Again, I am pleased to support this legislation which will allow Indiana seniors the right to work.

Mr. FLANAGAN. Mr. Speaker, I rise in strong support of H.R. 2684, the Senior Citizens' Right to Work Act. This bill will help alleviate the uncalled for economic discrimination against senior citizens between the ages of 65 and 69. It is outrageous that seniors in that age bracket are unduly punished by having their Social Security earnings reduced by one dollar for every three dollars they earn above $11,280.

This bill will increase the earnings limitation from $11,280 to $30,000 by the year 2002. The first increase will occur in 1996 when the limit will be raised from the current $11,280 to $14,000. Each year thereafter, through 2000, the limit will increase by another $1,000. Thus, in 2000 the limit be up to $18,000. In 2001 the earnings limitation will jump up by some $7,000, going from $18,000 to $25,000. Finally, in 2002 the limit will be increased from $25,000 to $30,000.

After 2002, the earnings limit will be indexed to the growth in average wages. In this way, the earnings limitation will be able to keep up with the times.

I have long been an advocate and supporter of raising the earnings limitation for seniors. Earlier this year I cosponsored H.R. 8, the Senior Citizens Equity Act, which contained a provision raising the earnings limit to $30,000 by 2002. This provision was incorporated into H.R. 1215, the Tax Fairness and Deficit Reduction Act which passed the House on April 5, 1995, by a vote of 246 in favor, 188 against. I voted in favor of H.R. 1215. Since the fate of this legislation is still undetermined, I believe it is wise that the House is trying another venue, H.R. 2684, the Senior Citizens' Right to Work Act, in the effort to raise the earnings limitation.

The current low earnings limitation is an economic disincentive to work for many of our Nation's seniors. It puts a limit on the full use of their capabilities, as many who want to work more are put off by the reduction in their Social Security benefits. It is an absurd situation. This country should encourage, not discourage, seniors from earning more than $11,280 per year. Seniors who work are contributing mightily to our economy. They earn money and pay taxes on what they earn. They should not be penalized for their initiative and industry.

In addition to raising the earning limit for seniors, the legislation contains another much needed reform. It prohibits the consideration of drug addicts and alcoholics as disabled in determining eligibility for entitlements to cash Social Security and Supplemental Security Income [SSI] disability benefits if the addiction is the contributing factor to the disability. This should put an end to having SSI disability being misused by drug and alcohol addicts to support their habits.

Mr. Speaker, H.R. 2684, the Senior Citizens' Right to Work Act is a giant stride forward in the direction of helping our senior citizens between the ages of 65 and 69. It will enable them to earn more money without fear of having a substantial reduction in their Social Security benefits. The Senior Citizens' Right to Work Act will give our seniors the opportunity to live better lives because they will be able to have higher incomes and still retain their Social Security benefits without reductions. I urge my colleagues to support this legislation.

Ms. DELAURO. Mr. Speaker, I strongly support the Senior Citizens' Right to Work Act urge the measure's unanimous passage today. This essential legislation increases the amount that senior citizens under age 70 may earn without having their Social Security benefits reduced.

Under current law, Social Security beneficiaries aged 65 through 69 who earn too much lose $1 in benefits for every $3 they earn above specified limits. The limit is indexed so that it increases annually to reflect the increase in average wage growth. The current limit is approximately $11,000.

Seniors who are able to work should be encouraged to do so. Without this measure, the

Federal Government is telling our elderly citizens to stay at home, and not to pursue gainful employment. That is not the message that I want to send to the seniors in the 3d Congressional District of Connecticut.

Mr. Speaker, our Nation's seniors have too much to offer for us to simply turn them away. We need their wisdom, their expertise and their zeal.

Older Americans have tremendous potential to contribute to our communities, both in terms of professional expertise and productivity. It is a shame to lose those invaluable resources. Furthermore, Seniors who are active live longer and lead happier lives.

I strongly support the Senior Citizen's Right to Work Act, and I urge my colleagues to vote in favor of this important legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to voice some concerns with H.R. 2684, the Senior Citizens' Right to Work Act. Although I will support the bill on final passage, I am concerned about the effect that some of the more obscure provisions in the legislation may have on the rights of senior citizens.

Included in this bill are provisions which remove the Social Security Administration from the process of payment of attorneys' fees. Currently, the Social Security Administration [SSA] approves the fees that an attorney may charge to represent a person in administrative proceedings, usually related to a denial of disability benefits. When the applicant is successful, SSA withholds the lesser of $4,000 or 25 percent of the benefits to pay the attorney. H.R. 2684 would change the law such that SSA would no longer be involved in the process and attorneys could negotiate fees up to a $4,000 limit.

This portion of H.R. 2684, while seeming sublime on the surface, may result in attorneys choosing to stop representing disabled individuals in their administrative proceedings. Since the fee would no longer be withheld, attorneys are fearful that they may not be paid for the service they provide, and thus may choose to avoid this type of representation.

While I will support the legislation, I regret that the leadership has chosen to bring this legislation to the floor in such a fashion so as to preclude amendments, and I hope to work with the Senate and the White House concerning the availability of competent representation for Social Security claimants.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 2684, the Senior Citizens Right to Work Act of 1995, and commend its sponsor, the gentleman from Kentucky [Mr. BUNNING] for all of his hard work on this measure.

Under current law, this country's senior citizens from age 65 to age 69 are limited to earn only $11,280 in additional income before they suffer penalties of $1 in Social Security benefits for every $3 of income earned above that limit. Mr. BUNNING's measure will allow seniors by the year 2000, to earn up to $30,000 in outside income without being forced to give up Social Security benefits.

While this bill is certainly a step in the right direction, I believe that we should go further and eliminate this anachronistic limitation and thereby allow our seniors to continue to work to the best of their capabilities in order to sustain themselves in a time of an increasing cost of living. We must allow older Americans who choose to work to earn appropriate pay without losing any of their hard-earned Social Security benefits.

Mr. BEILENSON. Mr. Speaker, the bill before us obviously enjoys very broad support among our colleagues. However, we ought to pause for a moment and give serious thought to what we are doing by passing this measure.

The Congressional Budget Office projects that we will spend more than $350 billion on Social Security benefits in 1996—more than one-fifth of the budget, and more than we are spending on any other single Federal program. Working Americans—no matter how little they make—6.2 percent of their paycheck—with their employers paying the same amount—to finance these benefits. Yet not only have we taken this huge program off the budget negotiating table, we are now actually moving to increase it—at a time when we are trying to cut back just about everything else the Government spends money on.

We need to give serious thought to whether it makes sense to increase these benefits—when the majority of that increase will go to those who are already relatively well off—at a time when we are moving to cut benefits for people who really need them.

We also need to give serious thought to whether it is wise to make what will be a huge move toward turning Social Security into a benefit which one is automatically entitled to receive upon reaching age 65, rather than a program to compensate for lost earnings due to retirement, as was originally intended. We need to ask: Does it make sense to do that when people are living so much longer than they used to, and when our population of older Americans is going to begin growing enormously in just a few years?

And, we ought to consider whether we are inviting early retirees—ages 62–64—to ask for the same thing we are about to grant retirees aged 65–69. Once we increase the earnings limitation for recipients who are aged 65–69, will early retirees ask for a liberalization of the definition of ''retired'' using the very same arguments that are being made by those aged 65–69?

The title of this bill, the Senior Citizens' Right to Work Act, is a misnomer. Senior citizens have every right to work; what this does is give older working Americans the right to collect more Social Security benefits than they are currently entitled to. At a time when we ought to be curbing entitlement spending, not expanding it, passing this legislation seems most unwise.

Mr. BUNNING of Kentucky. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. BUNNING] that the House suspend the rules and pass the bill, H.R. 2684, as amended.

The question was taken.

Mr. BUNNING of Kentucky. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BUNNING of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2684, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

PRIVILEGES OF THE HOUSE—REQUEST FOR REPORT FROM COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT REGARDING COMPLAINTS AGAINST SPEAKER

Mr. PETERSON of Minnesota. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby give notice of my intention to offer a resolution—on behalf of myself and the gentleman from Florida [Mr. JOHNSTON]—which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas the Committee on Standards of Official Conduct is currently considering several ethics complaints against Speaker Newt Gingrich;

Whereas the Committee has traditionally handled such cases by appointing an independent, non-partisan, outside counsel—a procedure which has been adopted in every major ethics case since the Committee was established;

Whereas—although complaints against Speaker Gingrich have been under consideration for more than 14 months—the Committee has failed to appoint an outside counsel;

Whereas the Committee has also deviated from other long-standing precedents and rules of procedure; including its failure to adopt a Resolution of Preliminary Inquiry before calling third-party witnesses and receiving sworn testimony;

Whereas these procedural irregularities—and the unusual delay in the appointment of an independent, outside counsel—have led to widespread concern that the Committee is making special exceptions for the Speaker of the House;

Whereas a resolution calling for a status report on the Gingrich investigation was tabled by the House without debate on November 17, 1995;

Whereas a second resolution calling for a status report on the Gingrich investigation was tabled by the House without debate on November 30, 1995;

Whereas the integrity of the House depends on the confidence of the American people in the fairness and impartiality of the Committee on Standards of Official Conduct.

Therefore be it resolved that;

The Chairman and Ranking Member of the Committee on Standards of Official Conduct should report to the House, no later than December 19, 1995, concerning:

(1) the status of the Committee's investigation of the complaints against Speaker Gingrich;

(2) the Committee's disposition with regard to the appointment of a non-partisan outside counsel and the scope of the counsel's investigation;

(3) a timetable for Committee action on the complaints.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the

chair in the legislative schedule within 2 legislative days its being properly noticed. The Chair will announce designation at a later time. In the meantime, the form of the resolution proffered by the gentleman from Florida will appear in the RECORD at this point.

The Chair is not at this point making a determination as to whether the resolution constitutes a question of privilege. That determination will be made at the time designated by the Chair for consideration of the resolution.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–381) on the resolution (H. Res. 289) waiving points of order against the conference report to accompany the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1058, PRIVATE SECURITIES LITIGATION REFORM ACT OF 1995

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–382) on the resolution (H. Res. 290) waiving points of order against the conference report to accompany the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, in the order in which the motion was entertained.

Votes will be taken in the following order:

H.R. 869, by the yeas and nays; H.R. 965, by the yeas and nays; H.R. 1804, by the yeas and nays; and H.R. 2684, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THOMAS D. LAMBROS FEDERAL BUILDING AND U.S. COURTHOUSE

The SPEAKER pro tempore. The pending business in the question of suspending the rules and passing the bill, H.R. 869, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill H.R. 869, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 18, as follows:

[Roll No. 834]

YEAS—414

Abercrombie	Crane	Gutknecht
Ackerman	Crapo	Hall (OH)
Allard	Cremeans	Hall (TX)
Andrews	Cubin	Hamilton
Archer	Cunningham	Hancock
Armey	Danner	Hansen
Bachus	Davis	Harman
Baesler	de la Garza	Hastert
Baker (CA)	Deal	Hastings (FL)
Baker (LA)	DeLauro	Hastings (WA)
Baldacci	DeLay	Hayes
Ballenger	Dellums	Hayworth
Barcia	Deutsch	Hefley
Barr	Diaz-Balart	Hefner
Barrett (NE)	Dickey	Heineman
Barrett (WI)	Dicks	Herger
Bartlett	Dixon	Hilleary
Barton	Doggett	Hilliard
Bass	Dooley	Hinchey
Bateman	Doolittle	Hobson
Becerra	Dornan	Hoekstra
Beilenson	Doyle	Hoke
Bentsen	Dreier	Holden
Bereuter	Duncan	Horn
Berman	Dunn	Hostettler
Bevill	Durbin	Houghton
Bilbray	Edwards	Hoyer
Bilirakis	Ehlers	Hunter
Bishop	Ehrlich	Hutchinson
Bliley	Emerson	Hyde
Blute	Engel	Inglis
Boehlert	English	Istook
Boehner	Ensign	Jackson-Lee
Bonilla	Eshoo	Jacobs
Bonior	Evans	Jefferson
Bono	Everett	Johnson (CT)
Borski	Ewing	Johnson (SD)
Boucher	Farr	Johnson, E. B.
Brewster	Fattah	Johnson, Sam
Browder	Fawell	Johnston
Brown (CA)	Fazio	Jones
Brown (FL)	Fields (LA)	Kanjorski
Brown (OH)	Fields (TX)	Kaptur
Brownback	Filner	Kasich
Bryant (TN)	Flake	Kelly
Bunn	Flanagan	Kennedy (MA)
Bunning	Foglietta	Kennedy (RI)
Burr	Foley	Kennelly
Burton	Forbes	Kildee
Buyer	Ford	Kim
Callahan	Fox	King
Calvert	Frank (MA)	Kingston
Camp	Franks (CT)	Kleczka
Canady	Franks (NJ)	Klink
Cardin	Frelinghuysen	Klug
Castle	Frisa	Knollenberg
Chabot	Frost	Kolbe
Chambliss	Funderburk	LaFalce
Christensen	Furse	LaHood
Chrysler	Gallegly	Lantos
Clay	Ganske	Largent
Clayton	Gejdenson	Latham
Clement	Gekas	LaTourette
Clinger	Gephardt	Laughlin
Clyburn	Geren	Lazio
Coble	Gibbons	Leach
Coburn	Gilchrest	Levin
Coleman	Gillmor	Lewis (CA)
Collins (GA)	Gilman	Lewis (GA)
Collins (IL)	Gonzalez	Lewis (KY)
Collins (MI)	Goodlatte	Lightfoot
Combest	Goodling	Lincoln
Condit	Gordon	Linder
Conyers	Goss	Lipinski
Cooley	Graham	Livingston
Costello	Green	LoBiondo
Cox	Greenwood	Lofgren
Coyne	Gunderson	Longley
Cramer	Gutierrez	Lowey
Lucas	Paxon	Smith (TX)
Luther	Payne (NJ)	Smith (WA)
Maloney	Payne (VA)	Solomon
Manton	Peterson (FL)	Souder
Manzullo	Peterson (MN)	Spence
Markey	Petri	Spratt
Martinez	Pickett	Stark
Martini	Pombo	Stearns
Mascara	Pomeroy	Stenholm
Matsui	Porter	Stockman
McCarthy	Portman	Stokes
McCollum	Poshard	Stump
McCrery	Pryce	Stupak
McDade	Quillen	Talent
McDermott	Quinn	Tanner
McHale	Radanovich	Tate
McHugh	Rahall	Tauzin
McIntosh	Ramstad	Taylor (MS)
McKeon	Rangel	Taylor (NC)
McKinney	Reed	Tejeda
McNulty	Regula	Thomas
Meehan	Richardson	Thompson
Meek	Riggs	Thornberry
Menendez	Rivers	Thornton
Metcalf	Roberts	Thurman
Meyers	Roemer	Tiahrt
Mfume	Rogers	Torkildsen
Mica	Rohrabacher	Torres
Miller (CA)	Ros-Lehtinen	Towns
Miller (FL)	Rose	Traficant
Minge	Roth	Upton
Mink	Roybal-Allard	Velazquez
Moakley	Royce	Vento
Molinari	Sabo	Visclosky
Mollohan	Salmon	Volkmer
Montgomery	Sanders	Vucanovich
Moorhead	Sanford	Walker
Moran	Sawyer	Walsh
Morella	Saxton	Wamp
Murtha	Scarborough	Ward
Myers	Schaefer	Waters
Myrick	Schiff	Watt (NC)
Neal	Schroeder	Watts (OK)
Nethercutt	Schumer	Waxman
Neumann	Scott	Weldon (FL)
Ney	Seastrand	Weldon (PA)
Norwood	Sensenbrenner	Weller
Nussle	Serrano	White
Oberstar	Shadegg	Whitfield
Obey	Shaw	Wicker
Olver	Shays	Williams
Ortiz	Shuster	Wise
Orton	Sisisky	Wolf
Owens	Skaggs	Woolsey
Oxley	Skeen	Wynn
Packard	Skelton	Yates
Pallone	Slaughter	Young (AK)
Parker	Smith (MI)	Young (FL)
Pastor	Smith (NJ)	Zimmer

NOT VOTING—18

Bryant (TX)	McInnis	Torricelli
Chapman	Nadler	Tucker
Chenoweth	Pelosi	Waldholtz
DeFazio	Roukema	Wilson
Dingell	Rush	Wyden
Fowler	Studds	Zeliff

☐ 1747

So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended as to read: ''A bill to designate the Federal building and United States courthouse located at 125 Market Street in Youngstown, OH, as the 'Thomas D. Lambros Federal Building and United States Courthouse'.''.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may

be taken on each additional motion to suspend the rules on which the Chair has postponed earlier proceedings.

ROMANO L. MAZZOLI FEDERAL BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 965.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 965, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 0, not voting 17, as follows:

[Roll No. 835]

YEAS—415

Abercrombie	Collins (IL)	Gallegly
Ackerman	Collins (MI)	Ganske
Allard	Combest	Gejdenson
Andrews	Condit	Gekas
Archer	Conyers	Gephardt
Armey	Cooley	Geren
Bachus	Costello	Gibbons
Baesler	Cox	Gilchrest
Baker (CA)	Coyne	Gillmor
Baker (LA)	Cramer	Gilman
Baldacci	Crane	Gonzalez
Ballenger	Crapo	Goodlatte
Barcia	Cremeans	Goodling
Barr	Cubin	Gordon
Barrett (NE)	Cunningham	Goss
Barrett (WI)	Danner	Graham
Bartlett	Davis	Green
Barton	de la Garza	Greenwood
Bass	Deal	Gunderson
Bateman	DeLauro	Gutierrez
Becerra	DeLay	Gutknecht
Beilenson	Dellums	Hall (OH)
Bentsen	Deutsch	Hall (TX)
Bereuter	Diaz-Balart	Hamilton
Berman	Dickey	Hancock
Bevill	Dicks	Hansen
Bilbray	Dixon	Harman
Bilirakis	Doggett	Hastert
Bishop	Dooley	Hastings (FL)
Bliley	Doolittle	Hastings (WA)
Blute	Dornan	Hayes
Boehlert	Doyle	Hayworth
Boehner	Dreier	Hefley
Bonilla	Duncan	Hefner
Bonior	Dunn	Heineman
Bono	Durbin	Herger
Borski	Edwards	Hilleary
Boucher	Ehlers	Hilliard
Brewster	Ehrlich	Hinchey
Browder	Emerson	Hobson
Brown (CA)	Engel	Hoekstra
Brown (FL)	English	Hoke
Brown (OH)	Ensign	Holden
Brownback	Eshoo	Horn
Bryant (TN)	Evans	Hostettler
Bunn	Everett	Houghton
Bunning	Ewing	Hoyer
Burr	Farr	Hunter
Burton	Fattah	Hutchinson
Buyer	Fawell	Hyde
Callahan	Fazio	Inglis
Calvert	Fields (LA)	Istook
Camp	Fields (TX)	Jackson-Lee
Canady	Filner	Jacobs
Cardin	Flake	Jefferson
Castle	Flanagan	Johnson (CT)
Chabot	Foglietta	Johnson (SD)
Chambliss	Foley	Johnson, E. B.
Christensen	Forbes	Johnson, Sam
Chrysler	Ford	Johnston
Clay	Fox	Jones
Clayton	Frank (MA)	Kanjorski
Clement	Franks (CT)	Kaptur
Clinger	Franks (NJ)	Kasich
Clyburn	Frelinghuysen	Kelly
Coble	Frisa	Kennedy (MA)
Coburn	Frost	Kennedy (RI)
Coleman	Funderburk	Kennelly
Collins (GA)	Furse	Kildee
Kim	Murtha	Shaw
King	Myers	Shays
Kingston	Myrick	Shuster
Kleczka	Neal	Sisisky
Klink	Nethercutt	Skeen
Klug	Neumann	Skelton
Knollenberg	Ney	Slaughter
Kolbe	Norwood	Smith (MI)
LaFalce	Nussle	Smith (NJ)
LaHood	Oberstar	Smith (TX)
Lantos	Obey	Smith (WA)
Largent	Olver	Solomon
Latham	Ortiz	Souder
LaTourette	Orton	Spence
Laughlin	Owens	Spratt
Lazio	Oxley	Stark
Leach	Packard	Stearns
Levin	Pallone	Stenholm
Lewis (CA)	Parker	Stockman
Lewis (GA)	Pastor	Stokes
Lewis (KY)	Paxon	Stump
Lightfoot	Payne (NJ)	Stupak
Lincoln	Payne (VA)	Talent
Linder	Peterson (FL)	Tanner
Lipinski	Peterson (MN)	Tate
Livingston	Petri	Tauzin
LoBiondo	Pickett	Taylor (MS)
Lofgren	Pombo	Taylor (NC)
Longley	Pomeroy	Tejeda
Lowey	Porter	Thomas
Lucas	Portman	Thompson
Luther	Poshard	Thornberry
Maloney	Pryce	Thornton
Manton	Quillen	Thurman
Manzullo	Quinn	Tiahrt
Markey	Radanovich	Torkildsen
Martinez	Rahall	Torres
Martini	Ramstad	Towns
Mascara	Rangel	Traficant
Matsui	Reed	Upton
McCarthy	Regula	Velazquez
McCollum	Richardson	Vento
McCrery	Riggs	Visclosky
McDade	Rivers	Volkmer
McDermott	Roberts	Vucanovich
McHale	Roemer	Walker
McHugh	Rogers	Walsh
McInnis	Rohrabacher	Wamp
McIntosh	Ros-Lehtinen	Ward
McKeon	Rose	Waters
McKinney	Roth	Watt (NC)
McNulty	Roukema	Watts (OK)
Meehan	Roybal-Allard	Waxman
Meek	Royce	Weldon (FL)
Menendez	Sabo	Weldon (PA)
Metcalf	Salmon	Weller
Meyers	Sanders	White
Mfume	Sanford	Whitfield
Mica	Sawyer	Wicker
Miller (CA)	Saxton	Williams
Miller (FL)	Scarborough	Wise
Minge	Schaefer	Wolf
Mink	Schiff	Woolsey
Moakley	Schroeder	Wynn
Molinari	Schumer	Yates
Mollohan	Scott	Young (AK)
Montgomery	Seastrand	Young (FL)
Moorhead	Sensenbrenner	Zimmer
Moran	Serrano	
Morella	Shadegg	

NOT VOTING—17

Bryant (TX)	Nadler	Tucker
Chapman	Pelosi	Waldholtz
Chenoweth	Rush	Wilson
DeFazio	Skaggs	Wyden
Dingell	Studds	Zeliff
Fowler	Torricelli	

☐ 1756

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JUDGE ISAAC C. PARKER FEDERAL BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1804.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and pass the bill, H.R. 1804, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 373, nays 40, answered ''present'' 2, not voting 17, as follows:

[Roll No. 836]

YEAS—373

Abercrombie	Dickey	Hyde
Ackerman	Dicks	Inglis
Allard	Dixon	Istook
Andrews	Doggett	Jackson-Lee
Archer	Dooley	Jacobs
Armey	Doolittle	Johnson (CT)
Bachus	Dornan	Johnson (SD)
Baesler	Doyle	Johnson, Sam
Baker (CA)	Dreier	Johnston
Baker (LA)	Duncan	Jones
Baldacci	Dunn	Kanjorski
Ballenger	Durbin	Kaptur
Barcia	Edwards	Kasich
Barr	Ehlers	Kelly
Barrett (NE)	Ehrlich	Kennedy (MA)
Bartlett	Emerson	Kennedy (RI)
Barton	English	Kennelly
Bass	Ensign	Kildee
Bateman	Eshoo	Kim
Beilenson	Evans	King
Bentsen	Everett	Kingston
Bereuter	Ewing	Kleczka
Berman	Farr	Klink
Bevill	Fawell	Klug
Bilbray	Fazio	Knollenberg
Bilirakis	Fields (TX)	Kolbe
Bliley	Flanagan	LaFalce
Blute	Foley	LaHood
Boehlert	Forbes	Lantos
Boehner	Fox	Largent
Bonilla	Frank (MA)	Latham
Bono	Franks (CT)	LaTourette
Borski	Franks (NJ)	Laughlin
Boucher	Frelinghuysen	Lazio
Brewster	Frisa	Leach
Browder	Frost	Levin
Brown (CA)	Funderburk	Lewis (CA)
Brown (OH)	Furse	Lewis (KY)
Brownback	Gallegly	Lightfoot
Bryant (TN)	Ganske	Lincoln
Bunn	Gejdenson	Linder
Bunning	Gekas	Lipinski
Burr	Gephardt	Livingston
Burton	Geren	LoBiondo
Buyer	Gibbons	Longley
Callahan	Gilchrest	Lowey
Calvert	Gillmor	Lucas
Camp	Gilman	Luther
Canady	Goodlatte	Maloney
Cardin	Goodling	Manton
Castle	Gordon	Manzullo
Chabot	Goss	Markey
Chambliss	Graham	Martinez
Christensen	Green	Martini
Chrysler	Greenwood	Mascara
Clayton	Gunderson	Matsui
Clement	Gutknecht	McCarthy
Clinger	Hall (OH)	McCollum
Coble	Hall (TX)	McCrery
Coburn	Hamilton	McDade
Coleman	Hancock	McDermott
Collins (GA)	Hansen	McHale
Combest	Harman	McHugh
Condit	Hastert	McInnis
Cooley	Hastings (WA)	McIntosh
Costello	Hayes	McKeon
Cox	Hayworth	McNulty
Cramer	Hefley	Meehan
Crane	Hefner	Meek
Crapo	Heineman	Menendez
Cremeans	Herger	Metcalf
Cubin	Hilleary	Meyers
Cunningham	Hobson	Mica
Danner	Hoekstra	Miller (CA)
Davis	Hoke	Miller (FL)
de la Garza	Holden	Minge
Deal	Horn	Moakley
DeLauro	Hostettler	Molinari
DeLay	Houghton	Mollohan
Dellums	Hoyer	Montgomery
Deutsch	Hunter	Moorhead
Diaz-Balart	Hutchinson	Moran

Morella Roberts Stupak
Murtha Roemer Talent
Myers Rogers Tanner
Myrick Rohrabacher Tate
Neal Ros-Lehtinen Tauzin
Nethercutt Rose Taylor (MS)
Neumann Roth Taylor (NC)
Ney Roukema Tejeda
Norwood Roybal-Allard Thomas
Nussle Royce Thornberry
Oberstar Sabo Thornton
Obey Salmon Thurman
Olver Sanford Tiahrt
Ortiz Sawyer Torkildsen
Orton Saxton Traficant
Owens Scarborough Upton
Oxley Schaefer Vento
Packard Schiff Visclosky
Pallone Schroeder Volkmer
Parker Schumer Vucanovich
Pastor Seastrand Walker
Paxon Sensenbrenner Walsh
Payne (VA) Shadegg Wamp
Peterson (FL) Shaw Ward
Peterson (MN) Shays Watts (OK)
Petri Shuster Waxman
Pickett Sisisky Weldon (FL)
Pombo Skaggs Weldon (PA)
Pomeroy Skeen Weller
Porter Skelton White
Portman Smith (MI) Whitfield
Poshard Smith (NJ) Wicker
Pryce Smith (TX) Williams
Quillen Smith (WA) Wise
Quinn Solomon Wolf
Radanovich Souder Woolsey
Rahall Spence Yates
Ramstad Spratt Young (AK)
Reed Stark Young (FL)
Regula Stearns Zeliff
Richardson Stenholm Zimmer
Riggs Stockman
Rivers Stump

NAYS—40

Barrett (WI) Foglietta Payne (NJ)
Bishop Ford Sanders
Bonior Gonzalez Scott
Clay Gutierrez Serrano
Clyburn Hastings (FL) Slaughter
Collins (IL) Hilliard Stokes
Collins (MI) Hinchey Thompson
Conyers Jefferson Torres
Coyne Johnson, E. B. Towns
Engel Lewis (GA) Velazquez
Fattah Lofgren Waters
Fields (LA) McKinney Watt (NC)
Filner Mfume
Flake Mink

ANSWERED ''PRESENT''—2

Brown (FL) Rangel

NOT VOTING—17

Becerra Fowler Tucker
Bryant (TX) Nadler Waldholtz
Chapman Pelosi Wilson
Chenoweth Rush Wyden
DeFazio Studds Wynn
Dingell Torricelli

☐ 1807

Messrs. TORRES, ENGEL, CONYERS, and SCOTT, Ms. VELÁZQUEZ, and Messrs. TOWNS, STOKES, COYNE, HINCHEY, and SERRANO changed their vote from ''yea'' to ''nay.''

Mr. RANGEL changed his vote from ''yea'' to ''present.''

Mr. HASTINGS of Florida and Mr. FLAKE changed their vote from ''present'' to ''nay.''

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENIOR CITIZENS' RIGHT TO WORK ACT OF 1995

The SPEAKER pro tempore (Mr. EVERETT). The pending business is the question of suspending the rules and passing the bill, H.R. 2684, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky [Mr. BUNNING] that the House suspend the rules and pass the bill, H.R. 2684, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 4, not voting 17, as follows:

[Roll No 837]

YEAS—411

Abercrombie Costello Goodlatte
Ackerman Cox Goodling
Allard Coyne Gordon
Andrews Cramer Goss
Archer Crane Graham
Armey Crapo Green
Bachus Cremeans Greenwood
Baesler Cubin Gunderson
Baker (CA) Cunningham Gutierrez
Baker (LA) Danner Gutknecht
Baldacci Davis Hall (OH)
Ballenger de la Garza Hall (TX)
Barcia Deal Hamilton
Barr DeLauro Hancock
Barrett (NE) DeLay Hansen
Barrett (WI) Dellums Harman
Bartlett Deutsch Hastert
Barton Diaz-Balart Hastings (FL)
Bass Dickey Hastings (WA)
Bateman Dicks Hayes
Becerra Dixon Hayworth
Bentsen Doggett Hefley
Bereuter Dooley Hefner
Berman Doolittle Heineman
Bevill Dornan Herger
Bilbray Doyle Hilleary
Bilirakis Dreier Hilliard
Bishop Duncan Hinchey
Bliley Dunn Hobson
Blute Durbin Hoekstra
Boehlert Edwards Hoke
Boehner Ehlers Holden
Bonilla Ehrlich Horn
Bonior Emerson Hostettler
Bono Engel Houghton
Borski English Hoyer
Boucher Ensign Hunter
Brewster Eshoo Hutchinson
Browder Evans Hyde
Brown (CA) Everett Inglis
Brown (FL) Ewing Istook
Brown (OH) Farr Jackson-Lee
Brownback Fattah Jacobs
Bryant (TN) Fawell Jefferson
Bunn Fazio Johnson (CT)
Bunning Fields (LA) Johnson (SD)
Burr Fields (TX) Johnson, E.B.
Burton Filner Johnson, Sam
Buyer Flake Jones
Callahan Flanagan Kanjorski
Calvert Foglietta Kaptur
Camp Foley Kasich
Canady Forbes Kelly
Cardin Ford Kennedy (MA)
Castle Fox Kennedy (RI)
Chabot Frank (MA) Kennelly
Chambliss Franks (CT) Kildee
Christensen Franks (NJ) Kim
Chrysler Frelinghuysen King
Clay Frisa Kingston
Clayton Frost Kleczka
Clement Funderburk Klink
Clinger Furse Klug
Clyburn Gallegly Knollenberg
Coble Ganske Kolbe
Coburn Gejdenson LaHood
Coleman Gekas Lantos
Collins (GA) Gephardt Largent
Collins (IL) Geren Latham
Collins (MI) Gibbons LaTourette
Combest Gilchrest Laughlin
Condit Gillmor Lazio
Conyers Gilman Leach
Cooley Gonzalez Levin
Lewis (CA) Ortiz Skeen
Lewis (GA) Orton Skelton
Lewis (KY) Owens Slaughter
Lightfoot Oxley Smith (MI)
Lincoln Packard Smith (NJ)
Linder Pallone Smith (TX)
Lipinski Parker Smith (WA)
Livingston Pastor Solomon
LoBiondo Paxon Souder
Lofgren Payne (NJ) Spence
Longley Payne (VA) Spratt
Lowey Peterson (FL) Stark
Lucas Peterson (MN) Stearns
Luther Petri Stenholm
Maloney Pickett Stockman
Manton Pombo Stokes
Manzullo Pomeroy Stump
Markey Porter Stupak
Martinez Portman Talent
Martini Poshard Tanner
Mascara Pryce Tate
Matsui Quillen Tauzin
McCarthy Quinn Taylor (MS)
McCollum Radanovich Taylor (NC)
McCrery Rahall Tejeda
McDade Ramstad Thomas
McDermott Rangel Thompson
McHale Reed Thornberry
McHugh Regula Thornton
McInnis Richardson Thurman
McIntosh Riggs Tiahrt
McKeon Rivers Torkildsen
McKinney Roberts Torres
McNulty Roemer Towns
Meehan Rogers Traficant
Meek Rohrabacher Upton
Menendez Ros-Lehtinen Velazquez
Metcalf Rose Vento
Meyers Roth Visclosky
Mfume Roukema Volkmer
Mica Roybal-Allard Vucanovich
Miller (CA) Royce Walker
Miller (FL) Sabo Walsh
Minge Salmon Wamp
Mink Sanders Ward
Moakley Sanford Waters
Molinari Sawyer Watts (OK)
Mollohan Saxton Waxman
Montgomery Scarborough Weldon (FL)
Moorhead Schaefer Weldon (PA)
Moran Schiff Weller
Morella Schroeder White
Murtha Schumer Whitfield
Myers Scott Wicker
Myrick Seastrand Williams
Neal Sensenbrenner Wise
Nethercutt Serrano Wolf
Ney Shadegg Woolsey
Norwood Shaw Yates
Nussle Shays Young (AK)
Oberstar Shuster Young (FL)
Obey Sisisky Zeliff
Olver Skaggs Zimmer

NAYS—4

Beilenson LaFalce
Johnston Watt (NC)

NOT VOTING—17

Bryant (TX) Nadler Tucker
Chapman Neumann Waldholtz
Chenoweth Pelosi Wilson
DeFazio Rush Wyden
Dingell Studds Wynn
Fowler Torricelli

☐ 1814

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1815

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. MCINNIS). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. DIAZ-BALART] is recognized for 5 minutes.

[Mr. DIAZ-BALART addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

[Mr. ABERCROMBIE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

PRESIDENT DUTY-BOUND TO BALANCE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, I think one of the difficult things that Members of this Congress have to face is how to conceive of the extent of the national debt of this country. Given the budget negotiations that are ongoing, I think it might be prudent to call to the attention of the Members and of the Speaker the fact that as of 3 o'clock this afternoon, the national debt is $4,988,891,675,281.12. That is the official figure from the Bureau of Public Debt and the Department of the Treasury.

It is next to impossible for many of us to conceive of how large a number that is, and frankly, it was difficult for me even to realize how difficult it was just to mount the number on a piece of wood. It is over 15 characters. In fact, the piece of lumber that Matthew and Lisa are holding in front of me is over 10 feet in length. Just to carry it from the office, I was unable to take it through the revolving door, leaving the Cannon Building. I was unable to use the elevator in this building; we had to work our way up the staircases, get some help from some of the security guards, just to navigate the normal hallways of Congress.

I think that with the negotiations that are ongoing and given the work that has been done in this Congress to attempt to devise a reasonable plan by which we can balance the Federal debt, I would like to urge, Mr. Speaker, that the President has a duty to this country and to this Congress, given the fact that the Republicans have come up with a 7-year plan to balance the Federal budget, a plan that has been certified by the Congressional Budget Office to be fiscally in balance, I feel it is incumbent on the President to give us his view of how he would balance the budget in 7 years.

It is not enough to criticize what we have done; I think the President is duty-bound to step to the plate and tell us what he would do. What are his priorities?

I have to say very frankly, Mr. Speaker, as a Member of this body who is an American first and a member of his political party second, I would welcome the President's initiative, because I feel that as a Member of Congress I should have the right to choose between two competing points of view; and that is what this great Chamber is dedicated to, and that is what this great Chamber is being deprived of today by the failure of the administration to step forward and honestly tell us how they would balance the budget. Given the size of this debt, I think it is imperative that they do so.

Mr. Speaker, I did some quick calculations with a calculator just before I came on the floor. If I had a business that started at the time of the birth of Christ and spent $1 million a day, I would still not spend even $1 trillion. In fact, I would need just about another 11,000 years to even approach the figure that we have accumulated in terms of the national debt today.

Another way of looking at it is that over the next 7 years under a Republican or Democratic version of a budget, this Government could be spending $12 or $13 trillion. In effect, our national debt exceeds over 40 percent of every nickel and dime that this Government will spend over the next 7 years.

In tribute to Matthew and Lisa, who represent the youngsters of this country who literally and figuratively are carrying the burden of this debt, I think again it is incumbent upon us as adults and as responsible citizens to do our duty in the democratic process.

Mr. Speaker, I want to end on this note: Our hearts and prayers are all with the American service men and women who are being sent overseas and deployed into harm's way in Bosnia. I noted this morning that there was information from the White House to suggest that the President was planning to visit the troops in Bosnia once they were deployed following the peace treaty.

Again, I applaud and commend that initiative on the part of the President, but I would also suggest to the President that his duties as Commander in Chief and as President of this great country call on him to also come to the Congress and tell us honestly, Mr. Speaker, how he would balance the Nation's budget.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

[Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

MISPLACED BUDGET PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I was listening to the remarks of my colleague with regard to the national debt, and I certainly agree with him that we need to balance the budget. However, I would suggest that we all agree that the budget needs to be balanced, and in fact, the President has also said many times that he wants the budget balanced. The problem is how do we do it. That is where the priorities come into place.

One of the points that President Clinton has made and that I have made and that many of the Democratic leaders have made is that we have to look at this budget in human terms. What are the impacts? What do the numbers mean in real terms in terms of working American families, students, older Americans, the environment and many of the other priorities that President Clinton has articulated.

The bottom line is that if we look at the Republican budget that passed this House and the Senate and is now on the President's desk, the priorities are misplaced. Too much of the emphasis is on cutting taxes or on giving tax breaks primarily for wealthy Americans and not enough emphasis is being placed on helping the average working person. Many of the cuts are on programs for senior citizens, education, particularly for student loans for students that want to go on to colleges or universities, and for the environment.

One of the things that I keep pointing out is how much of the impact in terms of tax cuts or tax breaks go to wealthy Americans. According to the numbers of the Joint Committee on Taxation, 51 percent of taxpayers with incomes under $30,000 would, as a group, have a net tax increase under the Republican budget plan and nearly half of the benefits under the Republican tax package or under the budget, 48 percent, that is, go to the top 12 percent of families, those with incomes of $100,000 or more.

So we certainly want to balance the budget, but we want to do it in a way that does not give tax breaks to the wealthy and does not cut critical programs that are important to seniors, to students, and also to the environment, among other things.

One of the things that received a lot of attention today in this regard was the Medicaid Program. Medicaid was the health care program that the Federal Government and States pay for for low-income people. Nearly 37 million people are currently covered by Medicaid, and about half of them are children.

Well, surprisingly, in a way, but I am not surprised, because I know that doctors do care about health care for low-income people, today the American Medical Association, the main national association of physicians, came out with a statement that was very critical of the Republican Medicaid plan. Basically, they criticized the fact that under the Republican proposal as part of this budget, Medicaid would no longer be guaranteed, no longer be an entitlement, and it would be up to the

States to decide who they were going to cover. So for those 37 million Americans who now receive Medicaid payments or Medicaid benefits, all of a sudden, some of them may not receive it, and it would be up to the States to decide.

President Clinton has asserted that it is crucial to maintain a Federal guarantee for Medicaid for those 37 million people, and that is one of the reasons he is going to or is likely to veto this bill, because it does not guarantee their coverage. Basically, what the doctors are saying, what the AMA is saying, is that they are concerned that States, because of the budget crunch, because they may not have the money to make up for the loss of Federal dollars that are going to come to the States in a block grant under the Republican proposal, will simply cut back on the number of people who are eligible, or on the quality of care. Basically, what they are saying is that because of the budget crisis that States face, they are going to have the same problem and they are not going to be able to actually cover all of these people.

The AMA said today in The New York Times that the Federal Government should establish basic national standards of uniform eligibility for Medicaid, and should prescribe the minimum package of benefits that would be available to poor people in all States, basic standards of uniform, minimum, adequate benefits of Medicaid recipients.

So what they are saying is that there should be a Federal standard, there should be a Federal guarantee for who is eligible for Medicaid, who gets the health insurance, and what kind of quality care will be provided for those low-income people.

The trustees of the AMA also said, there needs to be an appropriate balance between States interest in securing increased flexibility in light of fewer Federal funds for Medicaid and the very real needs of the people the Medicaid program is intended to serve, most of whom have no other means of access to health care coverage.

One of the arguments that the Republican leadership have put forth is that Medicaid should be more flexible and that is why it should go back to the States. However, what the doctors are saying is, it is very nice to have flexibility, but we have to make sure that the people who are covered by Medicaid now do have health care coverage. I know that that is going to be an important consideration for the President during these negotiations.

BUDGET REQUIRES GOOD-FAITH NEGOTIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from New Jersey [Mr. PALLONE] just gave some figures, and although I know he is well intentioned, I think some of the information that he gave out is not quite accurate.

I would like to give a few figures to the people who may be paying attention to my colleagues. For instance, the earned income tax credit. In 1995 we are spending almost $20 billion on the earned income tax credit, and my good friend, the gentleman from Ohio [Mr. HOKE], the head of the Theme Team, points out that it is going to go up to $25.4 billion. That is a 28-percent increase.

They keep talking about cuts.

□ 1830

It is an increase of 28 percent. The School Lunch Program is going from $4.5 billion to $6.17 billion. That is a 37-percent increase. Student loans, they keep saying we are cutting student loans. They are going from $24.5 billion to $36.5 billion. That is almost a 50-percent increase.

Medicaid, they beat on Medicaid all the time. Medicaid, we are spending $89 billion, it is going to $127 billion. That is a 43-percent increase. And Medicare, they are trying to scare the senior citizens to death in this country. Medicare, we are spending in 1995 $178 billion and it is going up over $111 billion. That is a 63-percent increase over the next 7 years.

Think about that. All we hear is how we are cutting, and we are increasing all of these programs from 28 percent up to 63 percent. Medicare is going up from $178 billion to $290 billion. So do not believe all the baloney you are hearing from my Democrat colleagues.

Let me talk about something that I think is extremely important. On November 19, 2 weeks ago, President Clinton, in writing, agreed to negotiate a 7-year balanced budget using Congressional Budget Office figures. He agreed to that on November 19.

On November 20, the next day, his chief of staff, Leon Panetta, said that maybe we could reach an agreement on 7 or 8 years and he went on to say, ''But I don't think the American people ought to read a lot into what was agreed to last night.'' In other words, he was starting to back away from the agreement the President signed the day before.

Two days later, on Wednesday, Secretary of the Treasury Robert Rubin began talking to reporters about a 9-year budget. Three days before the President agreed to a 7-year budget and he agreed to use Congressional Budget Office figures. Here we are, 3 days later, his Treasury secretary said, ''I think our 9-year budget is every bit as valid as their premise. I've never understood how 7 years got canonized.''

But the President already signed the agreement, Mr. Secretary Rubin. He had signed the agreement. Yet 3 days later you are saying, ''Well, it's not really that important.''

Then on Tuesday, November 28, the Washington Post reported ''a senior administration official said yesterday'' that an outcome without a reconciliation bill, balanced budget act, preserves our priorities and not theirs. Once again they are moving away from it.

The Post went on to say even President Clinton in two interviews this month made the case that operating the government under reduced spending bills and leaving the big budget issues until 1997 would not be a bad outcome. In other words, he is not going to negotiate a 7-year balanced budget agreement as he said he would because he said it would be better to run the government on short-term spending bills through the elections in 1996, I guess for political reasons, because he thinks it would be good for him.

But then let us see what the head of the Federal Reserve said, Alan Greenspan. He testified before Congress in November and he warned that failure to reach a balanced budget agreement would lead to higher interest rates, higher home mortgage rates, and that the economy would go downhill and suffer.

So as the President made this agreement for a balanced budget in 7 years using CBO figures, he and his staff knew that it was just to get over the hump that we had caused by closing down the government. He did not really mean it. That is why they are not negotiating in good faith. They have not sent up anything.

Chairman KASICH of the Committee on the Budget has held up our agreement time and time again on television saying, ''Here is our proposed budget. Where is the President's?'' And it was a blank hand he held up in conjunction with that.

We need to have a proposal from the President to get to a balanced budget in 7 years, as he agreed to, using CBO figures, and cut out this politics. If we do not do it, according to the Federal Reserve Chairman Greenspan, we are likely to see people buying homes having to pay much higher monthly payments, much higher mortgage rates. Interest rates on everything would go up. As a result, sales and the economy will go downhill.

Mr. Speaker, if the President does not begin negotiating in good faith, the budget talks will break down. This will lead or could lead to another Government shutdown. It could also cause severe economic problems. If this happens, the American people should and I hope will hold President Clinton accountable.

COMPREHENSIVE ANTITERRORISM ACT OF 1995

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, today I am, along with my Judiciary Committee colleagues, BILL MCCOLLUM, LAMAR SMITH, and BOB BARR introducing a revised antiterrorism bill.

On June 20, the Judiciary Committee favorably reported the Comprehensive Antiterrorism Act of 1995 (H.R. 1710). Since that date, concerns have been raised by a number of Members about certain provisions in H.R. 1710. Responding to these concerns, BOB BARR and I have developed a new compromise version of the bill. The new language responds to the concerns voiced by several Members, yet maintains the effectiveness of the bill to deter future terrorist acts. The new bill does the following:

Requires the marking of plastic explosives to allow for more effective detection;

Prohibits the possession, importation, and sale of nuclear materials;

Prohibits foreign terrorist organizations from raising money in the United States;

Prevents entry into the United States by members and representatives of foreign terrorist groups;

Reforms asylum laws to stop their manipulation by foreign terrorists;

Establishes a special deportation procedure for alien terrorists that satisfies due process and protects our national sovereignty;

Encourages the development of a machine-readable visa and passport system;

Authorizes an employer engaged in the business of providing private security services to investigate an employment applicant's legal status and his authorization to work;

Authorizes lawsuits by Americans against foreign nations responsible for state-sponsored terrorist activity; and

Provides for the expedited expulsion of illegal aliens from the United States.

Importantly, the bill also:

Adds Habeas Corpus reform provisions;

Adds the Victim Restitution Act of 1995 (H.R. 665);

Adds the Criminal Alien Deportation Improvements Act of 1995 (H.R. 668);

Deletes the enhanced wiretap authorizations, including emergency wiretap expansion and roving wiretap modifications;

Deletes the authorization of military involvement in civilian law enforcement situations;

Deletes the overly broad definition of terrorism;

Deletes funding for a domestic counterterrorism center and for additional FBI personnel; and finally,

Deletes the 40-percent civil penalty surcharge intended to fund the Digital Telephony law.

Important and significant changes have been made in this bill. The revised version deserves broad support. A ''yes'' vote on this legislation is a vote for a more secure America and the fight against crime.

I urge your support for this important measure.

CONGRESSIONAL HEARINGS TO FOCUS ON NUCLEAR WASTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, as chairman of the Subcommittee on Military Research and Development of the Committee on National Security, I rise to highlight a series of hearings that will begin tomorrow in our main hearing room that I think are of landmark significance not just to this country but to the entire world community.

One of the byproducts of the military buildup of the 1960's, 1970's, 1980's and into the 1990's has been the huge amount of nuclear waste that has been generated from our nuclear material, equipment, and the ships and technologies that we have had available to our military establishments throughout the world. The problem that we now face is what do we do with this waste that has been generated, especially as both America and in the case of the officially Soviet Union, Russia, dispose of this nuclear waste, and how do we deal with that.

The hearing that we will be holding tomorrow, both for the Subcommittee on Military Research and Development in cooperation with the Subcommittee on Fisheries, Wildlife and Oceans of the Committee on Resources, will for the first time focus on what is in fact a worldwide problem. The hearing will be international in scope.

Beginning at 1:30 p.m. tomorrow afternoon in hearing room 2118, we will hear from the distinguished environmental activist from Russia, Dr. Aleksai Yablokov. Dr. Yablokov is a member of the Russian National Security Council. He is a key adviser to President Yeltsin, and he has traveled to America to tell us about his findings in terms of the problem the Russians have been having in disposal of their nuclear waste and their spent nuclear fuel.

Dr. Yablokov was a chairman of the Yablokov Commission, which for the first time in Russia's history documented extensively 30 years of deliberate dumping of nuclear waste into the Arctic Ocean, the Sea of Japan, and other bodies that border the former Soviet states. Dr. Yablokov is an outspoken critic of those policies in the former Soviet Union that have led to environmental degradation. He will share with us his work and the work of others like him in Russia in attempting to understand and deal with these international environmental problems.

Joining with Dr. Yablokov on our first panel will be Kaare Bryn, the director general and ambassador of the resources department from the Norwegian Ministry of Foreign Affairs. He will testify before us as to the concerns that the Norwegian people have with the problems internationally of dumping nuclear waste in our oceans.

Following that, we will have our Government respond to highlight some of the things that we are doing to assist in more fully understanding the problem of nuclear waste around the world, not just off of Russia but even off of our own shores, and what we are doing through the Department of Defense, the Department of State, and the Environmental Protection Agency to provide protection for the American people and cooperation with other nations who have similar concerns.

Then, finally, we will have an assessment panel of technical experts who will highlight for us the specific technologies and efforts that are now under way to deal with this potentially devastating situation around the world.

This is a landmark hearing, Mr. Speaker. I am proud to have assembled what I think will be an expert panel of witnesses to fully highlight this worldwide problem and to show that we are in fact working with the world community to find solutions. Bringing together Russia, the European Community, and also working with the Japanese Diet and the United States Congress, we are trying to find solutions that allow us to come to grips with the disposal of spent nuclear fuel and nuclear waste.

Preceding the hearing at 12:30, Dr. Yablokov and I will join with the Ballona Foundation, a Norwegian nonprofit organization that just recently documented land-based nuclear pollution extensively at Russian military facilities. The information that has been accumulated by the Ballona Foundation is so devastating that the Russian security apparatus invaded Ballona's headquarters in Moscow and 1 month ago confiscated photographs and all of their documentation.

Together, Dr. Yablokov and I will work to assure the American people and our media that we are outraged that these actions have occurred, and that we in fact should be working with the Ballona Foundation and Russian leaders like Dr. Yablokov to assist Russia in understanding the complexity of their environmental nuclear problem and, more importantly, how we can work together to solve it. It is a problem that is monumental, that needs immediate attention, and that potentially could cause a threat to the entire population of this earth.

I invite my colleagues to participate in that hearing, and welcome the support of Vice President AL GORE. At this point in time, Mr. Speaker, I would like to enter into the RECORD his letter to me supporting this series of hearings by Subcommittee on Research and Development on ways that we can assist the environmental community, working with our military, to understand and deal with these international environmental problems.

THE VICE PRESIDENT,
Washington, DC, December 6, 1995.

Hon. CURT WELDON,
Chairman, Subcommittee on Military Research, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the topics on which the Committee will focus during this series of hearings have been of interest to me for some time, and I am pleased to have this opportunity to share my perspective. As President Lyndon Baines Johnson said during his tenure, ''The waters which flow between the banks belong to all the people.'' While the President was speaking about a domestic issue at the time, his message resonates today.

Oceans cover 71 percent of the Earth's surface, and we face a common threat to this precious resource. In this time of lean budgets, creative efforts to exploit existing research and technology efforts for dual purposes are not only sensible but essential. The

United States has tremendous resources which only have to be harnessed, and the Committee's hearings represent a significant step in that direction.

As we approach the 21st Century, I welcome efforts to ensure that our country is well prepared to act on the basis of the very best data. I particularly want to thank you for your efforts in this regard. Your ideas and insight on these issues are important to me, and your continued support is essential.

Again, please accept my very best wishes for a productive series of hearings.

Sincerely,

AL GORE.

AMERICAN INVOLVEMENT IN THE BOSNIAN WAR

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, you will notice that the gentleman from Pennsylvania [Mr. WELDON] and I are not in tuxedos. A lot of the membership from both sides of the aisle are down at the White House tonight in tuxes at the Christmas party.

The last time I was at a Christmas party was 3 years ago tomorrow night. George Bush's personal Pearl Harbor was that December 7 Christmas party, and I touched him for the first time in his Presidency, put my hands on his shoulders and I said, ''Mr. President, I'm going to run for President in 1996 for one reason, to avenge you, a 58-combat-mission Naval carrier attack pilot being defeated by a triple avoider of serving his country who let three high school kids from Hot Springs and Fayetteville go in his place.''

The reason I asked you to stay for a second in the well, CURT, you are a subcommittee chairman under Chairman FLOYD SPENCE of National Security. It used to be Armed Services—it still is in the Senate—Committee on Armed Services. There are five of us. We did away with Oversight.

I nicknamed us the Marshals. You can pick a Napoleonic field marshal image with batons, or I prefer the Old West being a westerner. In Pennsylvania you have sheriffs still, do you not?

Mr. WELDON of Pennsylvania. Yes.

Mr. DORNAN. So we are his 5 marshals. His deputies. So the two of us on the floor means we have 40 percent of the subcommittee chairmen on the House.

I just came from a CAT meeting. That is one of these new unofficial groups that is supposed to be the toughest tigers, panthers, leopards on the hill, Conservative Action Team, CAT. They do not know what to do over Bosnia.

I am putting you on the spot because you know I respect you. I think you are a Russian expert. Nobody tracked the Kremlin harder than you did when the bad guys were in power, and now that the bad guys are still all over the place with different titles and we have a Communist taking over the Secretary-Generalship of NATO, fought to keep Spain out of NATO, you described to me, because I am on your R&D subcommittee, you described to me before I had to leave to go to a 2-hour intelligence briefing on Bosnia and Chechnya, that it was a nightmare beyond description, the nuclear waste problem all across Russia and Siberia.

Mr. WELDON of Pennsylvania. Will the gentleman yield?

Mr. DORNAN. I will. I want to hear a little bit more about it in a dialog.

Mr. WELDON of Pennsylvania. The problem is so extensive that the security forces of Russia went into the headquarters of this Norwegian non-government organization, Ballona, which was about ready to release a report, confiscated all of their computers, all of their software, all of their data and their photographs. They were able to save a significant portion of that which we will release tomorrow at 12:30 which in fact show photographs of spent nuclear fuel that have been exposed in the outdoors for 30 years, of nuclear waste on land that is sitting with no protection.

The situation is so severe in the area of the Northern Fleet up in the area of Murmansk and the ports where the Northern Fleet is headquartered—Severodmorsk is the other port—that Dr. Yablokov and the Yablokov Commission report estimated that perhaps as much as 10 million curies of radioactive nuclear waste is currently being stored because the Russians have no capacity to safely dispose of it.

By comparison, Three Mile Island at its worst only gave off a few curies, relatively speaking, to the Russian threat that is there. So there is a terrible problem as the Russians downsize their military, as there are nuclear-powered submarines that are being decommissioned. They do not have any way to deal with this.

□ 1845

The point that we have to understand is, as we look at those nuclear weapons that are still in Russia, and we are concerned about the command and control of those nuclear weapons, certainly when you look at the way they are treating the waste gives you some indication that there are serious problems in the way that Russia deals with its nuclear power as well as its nuclear waste, and, as you know, I say to the gentleman from California [Mr. DORNAN], and as a member of our subcommittee, we have been extensively looking at Russian command and control.

In January of next year, our subcommittee will have a hearing that will be the conclusion of a 4-month investigation where we have interviewed over 40 witnesses on the issue of intelligence gathered and provided to Congress on command and control of the Russian nuclear arsenal. Some of the results of those interviews are startling in terms of the lack of security and the concerns that many of us had which now, in fact, may be verified that Russia does not have adequate control and that perhaps the potential for an accidental or a rogue launch, or even worse, a sale of one of those systems to a rogue nation is, in fact, something we have to look at in a serious vein. That hearing we will hold in January will even consist of people who have worked in the administration.

Mr. DORNAN. Hearing under which subcommittee?

Mr. WELDON of Pennsylvania. R&D subcommittee, which Chairman SPENCE asked me to chair, took testimony from at least three people whose stories have been corroborated that perhaps there has been some dumbing down of intelligence reports relative to Russian command and control. So the purpose of the hearing tomorrow is not to just look at the environmental problems of Russia and to work with those good people like Dr. Yablokov, who are not afraid to stand up and speak the truth, but also to point up the fact that we in this country who want improved long-term relations with the Russians, and I certainly do as chairman of the Russian-American energy caucus and as a member of the environmental caucus that works with Russian duma member Nikolai Veronsov on environmental issues, that we must never oversee the way that Russia deals with the most potent force that they have, and that is their nuclear arsenal. Dr. Yablokov, who is in our country right now to be present at the press conference and hearing tomorrow is the prime person in all of Russia who has been willing to stand up and question the leadership.

Just last week I read the FIBITS reports, as I do everyday, on Russia.

Mr. DORNAN. Flesh out that acronym.

Mr. WELDON of Pennsylvania. That is the foreign intelligence reports that we get summarizing all the foreign media.

Mr. DORNAN. Broadcast from all around the world in English.

Mr. WELDON of Pennsylvania. There were three specific articles from Russia, all three quoted Dr. Yablokov by name. One of them was highlighting the fact Dr. Yablokov has stated on the record that Russia has as much as 100,000 tons of chemical weapons despite the fact the military leadership only says they have 40,000 tons. Dr. Yablokov has come out publicly in Moscow and said that cannot be correct. Dr. Yablokov has also come out and publicly criticized the leadership over the small nuclear weapons that Russia, in fact, has accessible to it. So he is not afraid to speak his mind. He is someone for whom I have the highest respect. He is with us. He will be with us tomorrow at the hearing. He will be very candid and tell us what he feels are the problems of his country.

But I also expect him to be very candid about problems we, in fact, have in

our country. We are not totally without blame. In fact, part of our hearing tomorrow, I expect, will focus on the 30,000 barrels of nuclear waste that were dumped off the San Francisco coast a few years ago and what we are doing to monitor that. We, in this country, have been very critical of the Russians because of their lack of control over the *Komsmolensk* when it went down off of Norway, yet we have not been willing to discuss openly the fact that we have two nuclear subs on the bottom of the ocean floor, the *Thresher* and *Scorpion*.

We are saying we must join together to understand the problems created through the use of nuclear technology. This will be a first step tomorrow. I am looking forward to having the gentleman whose special order I am infringing on to be there, as he so eloquently is on all of our national security issues, to help us understand what is happening in the former Soviet states as relates to these and other issues involving nuclear power and nuclear weapons.

Mr. DORNAN. For letting you get in those extra words, I wanted everyone in the million people watching C–SPAN, not only our distinguished Speaker pro tempore in the chair, to know that, but I wanted to read you something. This is the price you are going to have to pay to bounce this off you, if you knew about this particular atrocity: Bosnian Serbs swept into Moslem and Croat villages, 3,800 of them, and engaged in Europe's worst atrocities since the Nazi Holocaust. Serbian thugs raped at least 20,000 women and girls. In barbed wire camps, men, women, and children were tortured and starved to death.

To me, the sickest thing in the world is not only murdering an innocent person in cold blood, but torturing them for hours knowing you are going to kill them anyway. Girls as young as six were raped repeatedly. I am reading from Readers Digest, the October issue. In one case, three Moslem girls were chained to a fence, raped by Serbian soldiers for 3 days, then drenched with gasoline and set on fire.

Now, for all of my Serbian-American friends, and I have plenty, I know you cringe at the sound of these atrocities, and I know because you have got them in Pennsylvania as I do in California, great Americans of Serbian heritage, and they say, well, what about the atrocities committed following the battle of Kovoso, June 28, 1389, 606 years and 5 months ago. Yes, the Ottoman Turks committed atrocity after atrocity. Then the Serbs began to give as good as they were taking it, and then it became a three-way split with Catholic Croatians fighting orthodox Serbs, back and forth, Austria, the province of Styria, holding the line, look at the big army in Groz, in Austria, it shows there, 400 or 500, half a millennium of defending Christendom from Islamic warriors coming up from Istanbul.

However, this is the 20th century, and no matter 600 years of suppression and persecution and then Tito's crimes, you do not do that to women and children. You do not target innocent people, and although, and this is the best ballpark figure until I am disabused of this, although five percent of the atrocities are committed by Moslems, they can quibble 4, 3, let us just say 5, and 10 percent by Coatians, they can quibble it down to 8, 9, 85 percent is Serbian atrocities. And they now are going to get to keep maybe half of the 3,800 villages where they destroyed the minaret and destroyed every shred of culture, town halls, anything that would be a memory draw to bring people back when the killing was over.

We are putting our young men and women into that, and I will tell you, Mr. Speaker, from this chairman, if CAT, the conservative action team, cannot figure out what to do, then I want everybody within the sound of my voice, I am telling you for the first time, I got my 50 signatures today to have a conference tomorrow. I, BOB DORNAN, circulated the letter on this floor those last 5 votes. I got 64 signatures. All I needed, 50, under Republican rules, no Democrats, just Republicans, tomorrow to discuss Bosnia. The feeling I am getting around here, we are going to do nothing. We have already voted twice. We had a vote 243 to 171, we are not doing anything. The freshmen are telling me we are not in yet. Let us have 1 more vote tomorrow while only the enabling advanced team is in. I hate to put you on the spot. Do not you think, in the midst of this budget talk, the impending second train crash on December 15, possibly that we should talk Bosnia tomorrow for at least an hour?

Mr. WELDON of Pennsylvania. If the gentleman will yield further, absolutely. As a matter of fact, as he knows, last week, I believe it was on Monday or Tuesday, I did a 45-minute special order on Bosnia where I expressed my outrage at portions of the President's speech. The gentleman from California just acknowledged the atrocities that have occurred against human beings, and what offended me most was when President Clinton went before the American people and made the case of how kids and women have been abused and tortured in ethnic cleansing.

In a bipartisan manner on this House floor, we have been saying that for 3 years, and in bipartisan votes on three separate occasions this body and the other body voted to have the administration lift the arms embargo so that there at least would be a leveling of the playing field so people could defend themselves. All of those three times over the past 3 years, the administration failed to listen to us.

But now, all of a sudden, they want to put American sons and daughters in between these warring factions. I would say to my colleague from California, as he knows, I have developed legislation which I will be back on the House floor tomorrow to present to this body which, in fact, will call for a vote.

Mr. DORNAN. Good.

Mr. WELDON of Pennsylvania. As you know, the President, I voted with my colleague from California on three occasions to say we do not want ground troops in Bosnia; unfortunately, again, the President is not listening. He has told the American people it is going to be between 20,000 and 25,000. They are not the numbers. The numbers are 32,000 ground troops, with about 20,000 support troops, for a total of somewhere over 50,000 American kids.

Here we are sending 50,000 American kids into a region that borders Germany where they are sending 4,000 Germans. To me, it is not just unfair, it is outrageous.

Mr. DORNAN. Are you going to the Christmas party?

Mr. WELDON of Pennsylvania. No.

Mr. DORNAN. My I publicly make a presentation of a gift to you? As I come down to the well to give it to you, do you feel any problem with being told you are not supporting the troops, the First Armored Division, Old Ironsides, if you somehow or other vote to stop them from going there?

Mr. WELDON of Pennsylvania. If the gentleman will further yield, I will tell you what I said to Secretary Perry in very emphatic words in our hearing last week. I said, ''Mr. Secretary,'' he asked me what do we tell the troops if this Congress were to vote against the President's policy, and I said, ''Mr. Secretary, let me say this to you, you go back and tell those troops that this Congress and our national security committee supports those troops with every ounce of energy in our bodies to the core and bone of our bodies.'' In fact, if I have my way, we will have a vote this week, as my good friend and colleague knows, and that vote will be on having this Congress go on record to say that we will give the theater command officer in Bosnia with the President sending our troops there, General Joulwan, every resource, piece of equipment and support that he feels he needs to protect our troops. Secretary Perry said, ''We do not need that. I will do that.'' I said to the Secretary we were told that three years ago, and because the Secretary of Defense said the climate was not right, politically, in Washington, he denied the support that was requested of him by the commanding officer in charge of the Somalia theater that led to not only the deaths of 18, actually 19, young Americans, but had their bodies dragged through the streets of Mogadishu. So we are going to support the troops, and we are going to support them most emphatically, because we are not going to let this administration repeat Somalia.

Mr. DORNAN. Let me tell the audience here something, and the Speaker, because foreign affairs went first, and now named international relations, they got most of the coverage that

night on C–SPAN. We went in the afternoon. You sit to my immediate left, to the senior position, going up toward FLOYD SPENCER, our great chairman, and they wired the mikes all the way down to your mike for C–SPAN. Remember, I said, I am not using my mike. I want to use your mike. I want the C–SPAN cameras to hear my voice clearly, the sound on tape. They came up to me afterward and heard me lean over to you, when you asked the question of Christopher, the Secretary of State, what about Somalia, and I leaned to you, and I said, ''We learned our lesson in Somalia,'' half a second later Christopher said, ''We learned our lessons in Somalia.'' I went, ''Oh, my gosh, yes, over the dead bodies of 19 men.''

What have we learned in Vietnam, for God's sake? What have we learned in Grenada, Panama; what did we learn in every single conflict? We are always learning from the immediate last prior struggle. We learned the U.N. command structure is flawed.

What I am going to do with this patch of *Old Ironsides* is, on my blazer, it looks funny on a suit, I am going to make everybody else pay me three bucks, yours is free, because it is a House floor presentation.

Mr. WELDON of Pennsylvania. I will pay you.

Mr. DORNAN. No; no.

Mr. WELDON of Pennsylvania. Remember the gift ban.

Mr. DORNAN. You pay me for the cloisonne, $6. I am going to get a little cloisonne pins, regimental pins they wear up here for the First Armored Division. On my blazers, it looks good on a blue blazer with gray slacks, I am going to sew this on my blazers for the next 11 months. Nobody is going to tell BOB DORNAN I do not support the troops. You and I are going to probably take a codel over there after New Year's, maybe New Year's Day. We can arrive there as Clinton did in Moscow in 1969, New Year's, to welcome in 1970. We are going to go over there and meet these guys and tell them, ''Gentlemen,'' and they are men and women; we call them kids because we love the young guys and gals. They are men and women.

Did you see this picture in the weekend papers of Clinton leading the troops in Germany? Do you know what he had to do to get this picture? The most offensive picture, even worse than the whole Joint Chiefs of Staff and our late pal Les Aspin on the stage at Fort McNair, to abuse SAM NUNN's law, and IKE SKELTON and us on homosexuals in the military, to twist it into ''Don't ask, don't tell,'' a confusing policy designed to lose in the courts; he, worse than that, Fort McNair, July 19, 1993, was May 4, ending Operation.

Hope, Restore Hope, in Somalia, end of George Bush's operation, only three men killed in action on patrol, 27 more to go, 19 on the third, fourth and sixth of October, he lined up 30 Marines, including about 8 lady Marines, lined abreast in his new blue suit, he marched down the lawn of the White House 50 feet or more to a prepositioned mike.

□ 1900

You know how he got this one? He meets with the division commander of the 1st Armored and all the officer corps division level of *Old Ironsides*, and he says, using infantry Fort Benning, GA words, gentleman, would you follow me for a second? And he turns his back on them for a second and says follow me, and walks down this driveway at their command headquarters in Germany.

Here is one of the White House people that screwed up the Waco hearings, the gentleman from Massachusetts, PETER BLUTE, just recognized him, from twisting all the Waco joint hearings here in the early summer; he starts walking down, he gets that look with his chin in the air, flexes his jaw muscles, and poses just like he did in 1993. It is December, and I nominate this as the most offensive photo opportunity using our military men and women that I have seen this year. That is the worst staged thing I have seen. But he does not say follow me all the way to Bosnia, because he is on his way home to be at the Kennedy Center last night. He says follow me down this driveway to the camera, thank you for the photo op, and enjoy your Christmas in the snow of Tuzla, 5 kilometers from the biggest chlorine plant in all of the 8 provinces of former Yugoslavia that a Green Beret who is over there helping the Muslims told me, and nobody has contradicted it, one bomb or terrorist attack on that chlorine plant and poison gas starts down the valley to Tuzla, and it can kill everybody in town and every American man and woman in the whole area. I hope to God we are going to secure that plant.

Mr. WELDON of Pennsylvania. If the gentleman will yield, I just want to add, I agree, there is the worst administration photo op I have seen. It offends me, not just a photo op like that, and I share my colleague's feelings about that, but that we would in a case of having our troops deployed overseas ever deny adequate backup and support as requested by the on-scene commander.

In the 9 years I have been here, that has only happened one time, and that was in Somalia. We in the Congress did not find out about it until after it was over. That led to the resignation of Les Aspin, who was a good friend of both of ours. That is never going to happen again. As I said to Secretary Perry and Christopher and General Shalikashvili, this President, through his chain of command, has put General Joulwan in charge of that theater of operations.

Mr. DORNAN. We helped to make that happen. It is under NATO because of us.

Mr. WELDON of Pennsylvania. Whatever General Joulwan wants, this Congress and this administration better give it to him. And we will be watching every request that comes over from General Joulwan, who has been given the responsibility to protect our troops and give them the resources we need. And this Congress, and I know the gentleman shares my feelings as chairman of the Subcommittee on Military Personnel and perhaps no one speaks more eloquently for our men and women in the military than the gentleman, and with the experience he has had and with the background he has had, he is the perfect chairman of that subcommittee, but that we will make sure that we will not have a repeat of Somalia in this operation, even though the overwhelming majority of our colleagues disagree with sending ground troops there in the first place.

Mr. DORNAN. Mr. Speaker, just one thing, before the chairman goes, infringing on his time again, because I have always found that a dialogue is more interesting to watch only C–SPAN than a monologue, and I am going to give them one hell of a monologue here in a minute, the gentleman and I both know one of the biggest misconceptions, although the American people are beginning to understand if you look at the polling data, that we are expending massive treasury in that whole Balkans area. I am trying to tell people if you want to get down the debate, think of it in couplets. Sealift, 95 percent ours, and airlift, 95 percent United States of America taxpayers. Sea power, the Adriatic. You notice that PAT SCHROEDER, bless her heart, finally starts asking good questions after she announced her retirement. I whispered to the gentleman they will not answer this question, and they did not. We have the 6th fleet in the Med. We always have people up there. It is steaming longer, they are costing more money at sea. The minute your put a carrier battle group out there, that is another 6,000 men on top of everything else.

Mr. WELDON of Pennsylvania. Easy 6,000, probably closer to 7,000. How about air strikes that we provided?

Mr. DORNAN. That is next. Sealift, airlift, sea power, air power. Close air support. I was at Aviano August 30. I am told again that the two French pilots, Frederique and Jose, are probably beaten to death, murdered, and they were known prisoners. I held up their pictures on the floor here the other day. Captain Chiffot and Lieutenant Jose Savignon.

These two pilots, this is day 90 they are missing in action. If these were American pilots, particularly if one was a woman, that is the way Americans respond to a woman in trouble, Clinton would not be marching at this photo op in front of the 1st Armored. He would not be doing it if those were American pilots.

Well, what are these Frenchmen, allies of ours or not? They were flying under our command or control, our AWACS, our airborne control centers, our combat control out of Aviano.

They took off from Villaparte, maybe 10 more air minutes to fly over Aviano, and they are gone. They are lost. They disappeared. And the war criminals know where they are, because I have got all their faces picteled out, so the Serbs turned over the pictures to Perry Match. So that is the first quadrant of it. Sea power, air power, sea lift, air lift.

Now, food. What are we? 80 percent? 70 percent? 90 again? Fuel, what are we? 70, 80, 890 percent, supplied and transported there?

Now down to hospitals. I told you we are going to go back to Zagreb. I hope to God there is never a person in there as badly wounded as BOB DOLE was just a few kilometers across the Adriatic in mid-Italy. I hope we do not fill up the hospital in Zagreb. We have most of the hospital supplies.

The whole other range of logistics. You know I am on my 7th year that NEWT extended me on Intelligence. We are 95 percent or more of the intelligence. We have the no-longer-secret unmanned aerial vehicles, that is under my other subcommittee chairmanship, Technical and Tactical Intelligence. Our satellite architecture, which you are an expert on, that is ours.

I mean air power, sea power, sealift, airlift, fuel, food, logistics. Here is the other one. The war will spread. Certainly not across the Adriatic. The 6th Fleet is there. Will it go south into Greece? No, because we have got 500 men and women in Macedonia, a blocking action. What are they? Chopped liver? We have men on the ground hemming them in.

They are not going to blow through Hungary. TOM LANTOS will stop that and take over a CO–DEL and physically stand on the line to stop that. What are they going to do, charge into Romania and Bulgaria? They are not going to come through Croatia. They got their clock cleaned in the whole Krajina area, the old former Slavonia. Slovenia is not going to let them come up there. They are begging to come into NATO. More than NATO, they want to be a United States ally, just like Albania.

Where are they going? Nowhere. In other words, we are doing everything except putting our men and women on the ground in the toughest quadrant around Tuzla in harm's way. I think that I as a Member feel blackmailed, CURT, that when NATO says to me, and Senator MCCAIN repeated it this weekend, that NATO said they would not go without us.

Vice President GORE said on the show, the expanded Nightline, Viewpoint, with Ted Koppel, well, look, we had to go over there in World War I. My dad was wounded three times. We had to go in World War II.

CURT, do you like to go in European museums? Have you ever seen so much culture in your life, from Greece to the British Parliament? These people we are told they are incapable of not slitting one another's throats unless they have Americans standing between them. We are going to end this century in Sarajevo, well, the French get that, Sarajevo or Tuzla, the way we began it in Sarajevo.

It is offensive to be blackmailed and be told by intelligent Europeans, a bigger population than we have, bigger gross domestic or area product than we have, to be told unless you are, there, we are not going, and the raping of little 6-year-old girls can continue. We want you in the trenches.

Mr. WELDON of Pennsylvania. If the gentleman will yield on that point, that was the second major problem I had with President Clinton's speech. He said that those who oppose his policy are isolationists.

Nothing could be further from the truth. He knows that this Congress has gone on record three times saying to lift the arms embargo over the past three years. He knows that since August this Congress has gone on record three times. The most recent vote garnered 315 in favor, Democrats and Republicans alike, saying do not send ground troops in.

This Congress has said America should not be asked to do it all alone. When you add up the amount of troops that you have just outlined, and you total in the ground troops, we are talking in excess of 50,000 American troops, costing the taxpayers between $2 and $3 billion, that we are going to incur for this Bosnian operation.

The question that made me so upset as I thought through this whole situation, was why are the Germans only putting in 4,000 and why does the Bundestag have to approve that before they can go? Why are the Italians putting in 2,100, and why does the Italian parliament have to approve that before those 2,100 can go? Why are the Scandinavians only putting in a collective total of 2,000, and certain of the Scandinavian countries have said we will come, but you have to pay for our travel, our food and our lodging?

Why are these other countries in Europe putting all of these conditions and providing so few troops, when America is putting again 50,000 young American sons and daughters on the line. And the French, who I will admit are putting 7,500 in, are the same French that denied us access to their air space when we wanted to go down to Libya to pay Quadafi back for the terrorism he caused. The same people we are now joining with, because they feel it is important for America to be there, denied us that air space.

Let me just say that is what we are concerned about. And this President, as he usually does, twists that around and convolutes it to say we are isolationists who do not care about human rights abuses. It is outrageous.

The real mistake here was when this President 3 years ago opened his mouth and said, ''If need be, I will put American ground troops on the ground for a peace agreement.'' Long before the negotiations began we all knew that was a given. That is what we all found so offensive, that we never had a chance to play a role in this process, because the President committed the ground troops long before any leader in the Balkans decided they were going to come to terms for a peace agreement.

Unfortunatley, young kids are going to lose their lives over that. That is why you and I, as chairman of appropriate defense subcommittees, have got to use every ounce of energy in our body to protect those kids. And we will do that.

Mr. DORNAN. You know where the Germans are going? Croatia. There is no fighting in Croatia now around Zagreb. They will live in Croatian military barracks and hard facilities because of their cozy relationship during the Second World War. I am not going to bring up the ghost of the Istasa, the Coatian gestapo. They had their sins, so did the Serbs under Tito. The Muslims were importing terrorism early on, just like World War I, fiddling around with the terrorist groups in the Middle East. Every side there has plenty of guilt.

But this is the German relationship. The German Embassy is in Zegreb, Croatia, is the biggest one here. Here may be the dreaded gray hand behind all of this, the European Economic Community. The EEC is interested in one thing, bigger import into the United States then we export to Europe. More Volkswagens and Mercedes and Volvos coming in here than we are putting out there. They see this area as a trade area.

One thing I have said for 3 years, 4 years, I told Bush, the Europeans are dragging their feet and demanding we put our people in danger on the ground because they simply do not want a Muslim State in the European area west of the Ural Mountains. They do not want it. So now that we are down to the place divided up, half of the villages where atrocities took place going the other way, Clinton said last week something that made my blood curdled again.

He said ''We have fought all these wars.'' Not we. He wasn't there when this country called him. And it is not that he has to say you folks and get in a Ross Perot problem. All he has to say is ''America has fought these wars.''

A lot of people are calling my office and saying ''Are you going to impeach him, Congressman DORNAN,'' because I read this on the floor? This is an article from Mr. Phil Merrill, in the Wall Street Journal, November 14, it seems like a long time ago, 22 days ago, ''Bosnia, we shouldn't go,'' Phillip Merrill, the former Assistant Secretary General of NATO.

The new Secretary General of NATO is a former Spanish communist who fought to keep Spain out of NATO. Suddenly he has been picked to be the head of NATO, and he is Clinton's candidate. I read this on the floor 3 weeks ago. These are former Deputy Secretary General Phillip Merrill's words.

''It is very doubtful that the Balkans can sustain a multi-ethnic society of

the kind envisioned by Clinton. The U.S. has no strategic stake in this fight and cannot and should not be the military arbiter. Our policy seems to be,'' and I wish Mr. Speaker, Americans would memorize this, ''to simultaneously threaten the Serbs from the air. The Aviano-Villaparte-Brindisi air threat is still there. You do something wrong, we tear you up from the air.''

Two: Now we are going to act as peacekeepers on the ground.

Three, we are going to train the Croatian Army. We have been doing that. I witnessed it in August. We are going to arm the Bosnian military.

When Ted Koppel on the aforementioned Friday or Thursday show last week said ''how are we going to do that, Mr. Vice President,'' he seemed very uncomfortable, Mr. GORE, and he said ''Well, with third parties.'' And he said ''Well, who would those be?'' And there was this long uncomfortable pause, and he said contractors.

Contractors. Like Vernell? Are we going back to RMKBRW, the big huge conglomerate that LBJ built out of Texas and Idaho and other firms, to put in 20 10,000 foot runway bases and a couple of parallel 13,000 runway bases at Bien Hoa and Cam Ranh Bay so he could come in in a 747 to visit with the troops?

□ 1915

Mr. Speaker, I am hearing all of the Vietnam doublespeak, all the McNamara crazy rationalizations, and this time one of my staffers said to me, BOB DORNAN, isn't this your dream when you were 31 years old, after the Tonkin Gulf, that you wished you were in Congress as a forceful articulate voice to stop men dying? You thought it would be a couple thousand, turned out to be 58,000 plus, and 8 women engraved on that wall down there, and friends of mine, like David Hrdlicka left alive behind in Laos, Charlie Shelton, Eugene Deburen.

No. I am here now, and I want to see if I cannot do what I thought I could do as a young man if I had only come to the Congress, which was 10 years ahead of the curve in those days.

So after we threaten the Serbs from the air, act as peacekeepers on the ground in the toughest quadrant of all, around Tuzla, train the Croatian army, arm the Bosnian military, then we are going to make sure that the Dayton peace negotiations are implemented, and then we are not going to go out of our way to seek out or hunt down, like a good tough Simon Wiesenthal, these people that sanctioned the raping of children and the burning alive of women who had been desecrated, hanging on a fence for days. No, we will not hunt them down, and we are going to try not to bump into them, but if we find them in the room with us, we will arrest them, these 53 Serbian and 3 Croatian war criminals.

Now, as Mr. Merrell continued, any one of these policies is defensible. Taken together they are incoherent. As flareups occur, these inherently conflicting policies will leave us powerless in the end to act effectively, even if we do not have any casualties, which I pray to God we will not. I do not want one first armored division, Old Ironsides, same name as that great naval ship of the line that still is a commissioned naval fighting vehicle up there in Boston Harbor that they take out and turn around every six months so the sun bakes both sides equally. That Old Ironsides is where this armored division—actually, it is Patton's tank battalion from World War I, that my dad tried to get into because he was an automobile man from New York City and did not make it. This is the outgrowth. Our very first armored division commissioned before World War II grew out of the prophetic statements of General George S. Patton of what would happen in the next war with armor.

Now, here is the way Merrell closed, and I read it on the floor, so a lot of people across America say BOB DORNAN is the man to carry the articles of impeachment against Clinton. I read these words of Ambassador Phillip Merrell. To endorse the President's policy comes close to an act of murder of young Americans, who have sworn allegiance to our country but who will serve and die under circumstances that will neither advance U.S. interests nor the cause of freedom.

Certainly not if we are going to fail to arrest the war criminals guilty of astrocities and invite the big kahuna war criminal Milosevic to Dayton.

When the American body bags start coming home, it will be a political disaster for those who did not oppose sending troops to Bosnia. What does that mean; that Senator BOB DOLE, who at this point in time has a percentage lock on the Republican nomination to challenge Clinton, does it mean that Clinton is doomed; that he will add to the two Democratic Presidents who have gotten a second consecutive term since Andy Jackson, when he got his second term in the election of 1832? Only Roosevelt and Woodrow Wilson have gotten a second consecutive term, so that means Clinton does not get a second term? Maybe he can make a comeback in the year 2000 like Grover Cleveland, another Democrat. Separated terms.

Does that mean that DOLE does not win? What does it mean; that Ross Perot is going to be emboldened; that United We Stand America will grow into the major party and eclipse the other two; because hearing the haunting twang of Alabama's George Wallace, there is not a dime's worth of difference between the two of them; that the Senate votes a resolution to support and the House goes impotent and silent, neutered, we do not do anything?

He says should President Clinton send American troops into Bosnia without congressional approval, he should be impeached. The time to face the choice is now, before we enter this war and before American blood is shed.

If he sends them in without a congressional approval, which the gentleman from Pennsylvania, Mr. WELDON, Chairman WELDON, just said the French have to do and the Germans have to do—by the way, the most foreign ownership of property in this country is British. The mother country. It makes some sense. Guess who is right up there with the Japanese. I think they own more property. The Netherlands. The Dutch. Holland. The Netherlands, where in the Hague, in their capital, Richard Goldstone, the distinguished justice of South Africa, is conducting the war crimes tribunal.

The Netherlands are sending 180 troops only, and their parliament will have to approve their going. No aircraft will be flying in harm's way over the SAM sites along the Danube, being tracked by radar sites from inside Melosevic's Serbia proper.

Here is the map, Mr. Speaker. It is not classified. I swear in the next Congress, if we get a freshman class as big and as aggressive as this, I will get you to sign on a letter for me, Mr. Speaker, where we can have, within reason, with tightly written rules, a Congress man or woman on this floor saying I would like the camera to come in, with your best lenses, and I will hold it steady, we would have it on a tripod, and come in and cover this map frame-to-frame on the camera, like I used to do on my Emmy award winning television show 27 years ago.

Here is the footprint of the Dayton line. They are going to get the Croatians to give back this huge chunk of yellow territory. This is Croatia, the beige, and this big chunk of yellow was where the Croatians, with American training, cleaned the clock of the Serbians along the Krajina area.

Krajina is Serb-Croat language for border. That is all it means, the borders. The fighting of the vicious border line between the vicious Ottoman empire, the corrupt killers, and the equal killing vengeance forces developed from Austria all along this area. Hungarian knights. Croatian knights. Remember, we got our neckties from Croatia. When they rode with Napoleon, he loved it that they put their cravats on their lances and their scarves from their women around their wrists or their throats. And that was the beginning of neckties, Croatian forces fighting with Napoleon.

Now, Mr. Speaker, here, what used to look like a country that was shaped like an arrowhead, the penetration of the Islamic Ottoman arrowhead into the belly of Europe, an arrowhead shape, it now looks like a very sick amoeba with some big tumors on it from the Bihac pocket all the way down past beautiful Dubrovnik, which I visited in 1972 and thought it was a dream village, and then the Serbs pounded the blazes out of it and burned down monasteries that were 500 and 600 years old, and here they had survived both the world wars of this period.

Here is Montenegro. I met with one of the freedom fighters from there 3 weeks ago. They want to break away from Serbia. Here is the blown-up map of the city, with neighborhoods cut in two, just like Clinton visited Belfast for the first time. I have been there nine times. Shot in the back with a rubber bullet the week after Bloody Sunday in February 1972. I have walked along the Shankle. I have been in Derry. Not Londonderry, but Derry. I understand what it is like when a neighborhood builds corrugated steel walls and people hate each other from apartment building to building.

There are 100,000 people demonstrating in Sarajevo saying they will not accept the Dayton map lines through this city of Sarajevo. Here is Pale, the Serb capital, just a hop, skip, and jump over the Igman Mountain area into the area. That is where the French pilots were shot down in the Mirage 2,000. Pale. Probably beaten to death and murdered by Serbs. That is a war crime, to kill a prisoner of war. They both had leg damage. In the pictures I showed last week on the floor we could see they were being held up. Again, the camera could not come in close. Trust me, I will change that.

Now we have the Postojna corridor. Then this chloride plant. The biggest in all of the eight provinces of Yugoslavia. That means the Hungarian province, Vojvodina; Kosovo, which is 90 percent Albanian, although attached to Serbia. Those were the two autonomous regions. Serbia makes three; Bosnia-Herzegovina, four; Croatia, five; Montenegro, six; Macedonia, seven; and Serbia itself eight. Those are the eight areas.

This was the biggest plant, and it is just a few miles from Tuzla. Right there, Ruckevach. That is where it is that can kill everybody in that area, if somebody decides to hit that with a missile from Serbia. So, hopefully, we will secure that plant. I will go over there around New Year's and make sure we do.

So there is the Dayton line. They have built a corridor out to Gorazde. We have written off Srebrenica. I have just found out it meant silver. That was a big silver plant contracted by the Germans. The Venetians had it first. All of this area, what Churchill called the tinderbox of Europe, and the Europeans cannot solve that problem themselves.

Mr. Speaker, this is the script, the written text, of Steve Kroft on 60 Minutes, a piece entitled ''Over There'', the song from my dad's period, interviewing two people who worked hard over there, Lieutenant Colonel Bob Stewart, the British commander, and Canadian General Louis McKenzie, a great sports car driver, I might add, with a love for MG sports cars, as this Congressman has, and I passed it on to my son.

Here are the words of General McKenzie and Colonel Stewart saying you will be in there for 30 years, just like Cyprus. And I thought, no, we will not. Clinton is going to pray, and I will be praying right along with him, that not a single man or woman from Old Ironsides is hurt, and that he will be back in time for the election. He will hope that Haiti does not explode. So I want to put in the words of General McKenzie and Colonel Stewart.

Mr. Speaker, here is the paper from over the weekend, that same photo-op. I was at Normandy watching young soldiers shake Clinton's hand. Afterward, I said do you like this guy? They said, no, he beat it out of the service. He did not serve. We love Reagan. But, hey, he is the President. I want to send a picture home to my mom. I want to say I shook the President of the United States' hand. He is the Commander-In-Chief. Meanwhile, Tom Brokaw was saying these GI's love him. They cannot get enough of him.

Well, here is something. This is why he loves these photo-ops. These GI's are so good, they will do their best to make him look good in spite of himself. The troops saved their most enthusiastic response. Roars of hoo-ah for Clinton's description of rules of engagement. Now, this is dangerous, Mr. Speaker. That will allow them to protect themselves against perceived threats.

We are coming to Clinton's exact words. Their orders, Clinton said, spell out the most important rule of all in big bold letters. If you are threatened with attack, you may respond immediately and with decisive force. Everyone should know that when America comes to help make the peace, America will look after its own. In his speech a week ago last night he said we will meet fire with fire and then some.

Mr. Speaker, this is what costs men's lives. We cannot tell the youngest troopers in this armored division, with their tanks all locked up in a tank park, or left behind in Germany because they cannot get across some of those bridges in that area with a 70-ton M–1 Abrams tank, to tell young people that if you perceive a threat, fire. It is not going to work.

This division commander, and I am going to go visit with him before we have somebody killed over there, or a woman shot at night, or a child shot, or somebody trying to come over to our camp for food shot at night by some nervous GI who watched his friends step on a mine the day before. Remember that Lieutenant Calley, who should have been shot for what he did to the U.S. Army and to his unit and to his men? Remember what Calley's unit did? They had not been in serious fighter fights, having their men shot up with AK–47's. They had been stepping on land mines for months, an unseen enemy. Men screaming, their private parts and their legs all shredded. That is what built up in the tension where suddenly he could turn to people like Paul Meadlow, who told him get lost, Lieutenant, and walked away, a real hero, but told other people, kill that little boy over there throwing his leg over his brother.

☐ 1930

Kill that Buddhist monk. And then they asked later, ''What was that Buddhist monk saying?'' And he was saying, ''Please, please, please, help me. Please don't hurt me. I'm a man of religion.'' And they murdered him.

That is what happens when you tell troops loose rules of engagement. Again, nice man; wrong man for this job: Warren Christopher, saying we learned our lesson from Somalia. I am going to ask permission to put in this Reader's Digest article. That is October. I understand the November issue is just as bloodcurdling.

I am lucky enough to have on my staff one of the greatest young authors to come out of the Vietnam conflict, Al Santoli. He is masterful with oral history. Here is a chapter from his book, ''Leading the Way: Lessons Learned.'' About real leaders.

He interviewed Schwarzkopf and Colin Powell for this book. Here is First Sergeant Anthony McPike, Saudi Arabia, 1990 to 1991. Tank leader, C Company, first tank battalion. I think they did have Abrams tanks, but it is Marines. First marine division.

He says, ''In one incident,'' the first sergeant says, Sergeant McPike, ''I was on road security. There were two captains, a warrant officer, gunny, a master sergeant and me. We found some enemy prisoners of war who surrendered. These two captains did one of the stupidist things I have ever seen. Without even securing the area, one captain tried to order some troops that were flanking outside the POWs'' which they were doing correctly, but the captain grabs a rifle and runs across the field. He did not even know what was in front of him. ''Myself, and the other first sergeant saw that, we shook our heads. We went back to the Humvees and just sat there.''

It is nice to have sergeants that understand combat to keep some rather aggressive young officers in check.

''Something else that I felt important to keep in check was that a lot of troops wanted to open fire. The first sergeant and I talked to a lot of them. We said, 'Y'all don't understand. The minute you pull that trigger and kill somebody, your life is changed forever. That's a feeling you'll never get rid of.''' To kill a human being.

'''You might think it's funny now, but it's not. You might take the life of another human being that is not even offering a threat to you. I can understand if a man is running at you with his weapon blazing or with a fixed bayonet. But if he's standing there with his hands on top of his head, don't tell me you are just going to take him out.''

''They said, 'Hell, Top, he's the enemy.''' These are Marines now, Mr. Speaker. ''I said, 'That's right. But you've got to realize that enemy should be treated humanely. You are an American fighter. You are not a paid killer. How about if somebody did that to your child?'''

''They said, 'Wow, Top, we didn't think of it like that.'''

''In Saudi Arabia, a chaplain gave us a class on combat leadership. I think that this class should be mandatory. He said, 'There is a fine line between reality and fantasy. Once you cross that line, all the psychiatrists in the world will do nothing but get wealthy on you.'''

''Under the stress of combat, anyone can cross that [psychological] line without realizing it . . . If that young man is allowed to mess up, you defeat yourself. Because it affects the whole platoon. And once a leader loses the respect of his troops, he'll never get it back.''

God forbid we kill some innocent Moslems, innocent Serbs, or innocent Croatians in this Tuzla hot area soon to be under heavy snow cover in another terrible, pneumonia-producing Balkan winter. Because if we get some young trooper that kills some innocent people and the Army decides to court-martial him, you know what he is going to say? He is going to say that he was in Germany in the first week of December in 1995, and he heard Mr. Clinton, who managed to avoid service and have his draft induction date of July 28, 1969 politically reversed and suppressed, he will say, ''Here the president's words were: The most important rule of all, in big bold letters, if you are threatened with an attack, you may respond immediately, even if you perceive it to be a threat.''

These are the wrong rules of engagement for peacekeepers. But then the first armored division was trained to take on the best Russia could throw at us in the Fulda Gap to save Europe with American lives for a half century after the Nuremberg trials, which started two weeks ago 50 years ago.

Here is a letter from IKE SKELTON, to show that this is bipartisan angst here against what Clinton is doing. He writes to Secretary Perry, ''If the U.S. Department of State insists on arming and training the Croat-Moslem federation, will an American guarantee and coordination of the effort, as testified by Secretary Christopher yesterday, will the 20,000 American soldiers in the Bosnia-Herzegovina region be forewarned of this additional security risk? Will they be informed of the possibility of vengeful acts by Serbs or of hostilities from Moslems expecting, but denied, favorable treatment? This is a major security issue.''

He has two sons on active duty, Army officers. ''I urge the Department of Defense to issue memoranda to each soldier to be on extra alert as this State Department policy will put them at higher risk.''

I would like to put in the RECORD, Mr. Speaker, a background paper from the Heritage Foundation that I think is great, questioning the Bosnia peace plan. I want these questions asked and answered in print. If it is too expensive, I will get permission on the House floor tomorrow to put it in.

We are talking about saving lives. Then here is the House Republican Conference issue brief. ''Bosnia: Questioning the Clinton Plan, But Supporting Our Troops.'' The reason, again, Mr. Speaker, and you will be there, that I want this conference, unless you are on the floor in the chair, that I want this conference tomorrow, is that we have got to decide how we draw a line. Do we support the troops, all 50,000-plus of them in the Adriatic, in the skies flying air patrols out of Aviano, and everybody on the ground? The first armored and all the troops. We support them. We want to keep them safe, but we disagree with this policy, even though the division commanders are gung-ho to go. The young privates that I saw, except for a few sergeants who do not want to leave their little, tiny children at Christmastime. Those holidays, it is only about from the second birthday to the tenth where Christmas is a dazzling event. We only get eight of those from God with each individual child, and we miss one, that is one-eighth of a great heart-tugging memory gone. Then we try to look at the shaky video that our young wife took of the kids.

Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman has 4 minutes left.

Mr. DORNAN. Mr. Speaker, let me read this segment on Bosnia. If I run out of time, I ask for unanimous consent to put it in the RECORD.

This is Readers Digest from Dale Van Atta. I know Dale. He is a good reporter. This is not an excerpted article from a news magazine. This is commissioned by Readers Digest and it is about the United Nations. And I have always avoided beating up on the United Nations, because we have had some good Americans serve up there. But this is the most unregulated, financially unaccounted for group in the history of civilization. It has dictatorships in there. Castro is in there. These people submit bills. Nobody ever audits them. They are all overpaid. Boutros Boutros-Ghali makes $344,000 tax-free a year, double the President, if we include that Chelsea Clinton does not get $12,675 a year tax free.

It is outrageous, the corruption at the United Nations, and these are the people that Clinton wanted our troops under. We beat his brains out in this House. Is that is why they are under General Joulwan instead of some U.N. command? Implementation force sounds like one of these U.N. names, but it is not.

The section on Cambodia I may read tomorrow night, and then Rwanda and then Somalia, and then I will get the November issue. But I will trail off reading until my time runs out on Bosnia.

June 1991, Croatia declared its independence. I had just left there a few weeks before. Was recognized by the U.N. Serbia-dominated Yugoslavian Army invaded Croatia ostensibly to protect its Serbian minority. The Serbs agreed to a cease-fire. The United Nations sent in a 14,000 member UNPROFOR [U.N. Protection Force] to build a new nation.

The mission has since mushroomed to more than 40,000 personnel. I was all over their headquarters like a cheap suit meeting with Yasushi Akashi. It became the most expensive and extensive peacekeeping operation ever. After neighboring Bosnia declared its independence in March of 1992, the Serbs launched a savage campaign of ethnic cleansing against the Moslems and Croats, who made up 61 percent of the population. Rapidly, the Serbs gained control of two-thirds of Bosnia. Bosnian Serbs swept into Moslem and Croatian villages, 3,800, and engaged in Europe's worst atrocities since the Nazi Holocaust. Serbian thugs raped at least 20,000 women.

I will skip ahead of this. The 6-year-olds. The Serbian women hung on the fence drenched with gasoline and set on fire alive.

While this was happening, the UNPROFOR troops stood by and did nothing to help. Designated military observers counted artillery shells and the dead. Meanwhile, evidence began to accumulate that there was a serious corruption problem, like Cambodia. Accounting procedures were so loose that the U.N. overpaid $1.8 million on a $21 million fuel contract.

Kenyan peacekeepers stole 25,000 gallons of gas worth $100,000; sold it to the Serb aggressors. Corruption charges routinely dismissed as unimportant by U.N. Officials. Sylvana Foa, F–O–A, then spokesperson for the U.N. Human Rights Commission in Geneva said, ''It was no surprise,'' get this quote, ''that out of 14,000 pimply 18–year–old kids, a bunch of them should get up to hanky-panky.''

That sounds like some good old boy, not a woman. Like black market dealings and going to brothels. When reports persisted, the United Nations finally investigated. November 1993, a month after Mogadishu, a special commission confirmed that some terrible but limited mistakes had occurred. Four Kenyans and 19 Ukrainian soldiers were dismissed from the U.N. force.

The commission found no wrongdoing. I will continue this tomorrow, and point out that the Russian commander, Mr. Speaker, is the man responsible for the atrocities in Chechnya, he is going to be in our zone commanding a brigade, a battalion of 800 Russian troops. What a massive problem to dump into the arms of our fine young American officers and men who are eager to please.

The State Department announced today, that one way or another, the Bosnian peace talks, currently going on in Dayton, Ohio, will come to a close tomorrow. If that sounds like an ultimatum, it is.

For 19 days, the Chief U.S. negotiator, Richard Holbrook, has literally forced the three warring factions to negotiate a peace

treaty to end the war. If the talks fail, presumably that's it. If the talks succeed, President Clinton has pledged to send 20,000 U.S. troops over there, as part of a NATO force to keep the peace; actually, most of them are already over there, stationed in Germany, waiting to be told what to do next.

As the talks near to climax, we wanted to find out what American soldiers could be getting into. In a quarter of the world few Americans knew much about, until the Serbs, the Croats and the Bosnian Muslims started killing each other. No one know that better than the two men you're about to meet.

60 MINUTES

''OVER THERE''

Steve Kroft: Canadian General Louis McKenzie and British Lieutenant Colonel Bob Stewart, who we met in London, have both commanded peacekeeping troops in Bosnia for the United Nations. And the U.S. military thought enough of their experience to have them give advice to American officers who might serve in Bosnia. In 1992, Stewart led a battalion of British troops responsible for delivering humanitarian aid.

Colonel Bob Stewart: ''You know, it's not a question about me not getting through, it's a question of whether I—how much damage I do.''

Steve Kroft: He knows what it's like to lose friends, and to witness atrocities.

Lt. Colonel Bob Stewart: ''But no man can kill a child . . . and a woman like this.''

Interpreter: ''They died because they're Muslims.''

Stever Kroft: When we talked to him in London this weekend, both he and General McKenzie told us the Americans have to be prepared to take casualties.

Lt. Colonel Bob Stewart: My soldiers were shot up by all three sides. You mustn't just deploy soldiers into the middle of a war zone, and think it's just like someone escorting a kid to school in the morning. I'm quite sure the American military are fully aware of that.

Steve Kroft: General Louis McKenzie was the first UN Commander in Sarajevo, back in 1922; a Veteran of nine peace-keeping missions in places like Gaza, Cyprus and Vietnam. But nothing prepared him for the former Yugoslavia.

General Louis McKenzie: There is a level of—of hatred that certainly, I have never seen before in any other theater of operations.

Steve Kroft: McKenzie's opinions on potential U.S. involvement there have been solicited by two U.S. congressional committees. His most recent appearance was before the House National Security Committee last month.

You told the House committee, not too long ago, that you didn't think the United States Government should get involved militarily in Bosnia. Do you still feel that way?

General Louis McKenzie: Yes, I do. From a military—I—I have to emphasize, from a military point of view, they didn't invite me down there to give them political advice; they had plenty of folks doing that. And I appreciated that they'd painted themselves into a corner politically. And I think they were gonna have to get involved. But from a soldier's point of view, I said, ''don't touch it with a ten-foot pole.''

Steve Kroft: If there's an agreement signed in Dayton between the warring parties, it will be a triumph of politics and diplomacy. But General McKenzie and Colonel Stewart both caution against euphoria. They say what's going on in Dayton is the easy part. The hard part will be making it work on the ground. General McKenzie says he negotiated nine different cease fires in Sarajevo, and was delighted if they held for 24 hours.

Can these parties be trusted to keep a peace agreement?

General Louis McKenzie: No, they can't be trusted. There is a history of lying. It depends what their agenda is. And their agenda is—it's not predictable, and it changes.

Steve Kroft: We can't trust any of these people?

Lt. Colonel Bob Stewart: No, that's a perfect—perfect way to describe it. If you want a philosophy, don't trust them til they prove their actions on the ground.

Steve Kroft: Unlike the U.N. forces, American troops training for deployment in the former Yugoslavia, will not be peacekeepers. Their job will be to enforce the agreement, and if necessary, punish violators. They'll have to insert themselves between warring armies, and assist in the treacherous job of moving people in and out of areas, that the agreement decrees will be set aside for Croats, Muslims and Serbs. And not everything will be spelled out in the manual.

General Louis McKenzie: They will be delivering babies, they'll be delivering food, they'll be moving families, they'll be evacuating burning hospitals, they will be doing all kinds of things that aren't within their terms of reference, because they're going to be the only game in town.

Steve Kroft: The situation is fraught with peril for the Americans. It was the Duke of Wellington who said, ''Big countries shouldn't involve themselves in small wars.'' The United States would be risking its military credibility in a situation, General McKenzie believes, isn't worth it.

General Louis McKenzie: In Bosnia, every side there wants America on their side. Forget about NATO for a second; they want America on their side. And to target American soldiers and make it look like one of the other two sides is doing it, is extremely easy. You can hire somebody across the line, in the other ethnic group to fire at American soldiers. And America, historically, has reacted very forcefully to that, and will go after the side that they think is targeting them. And that is the beginning of a slippery slope. So, I think that American soldiers will be subjected, to a degree of risk out of all proportion, to any other nation represented in the NATO force.

Lt. Colonel Bob Stewart: These guys are out of control. That's clear. People on the ground don't give a damn. They're in a position; they're bored. They might just take pot shots because they feel like it. No one is going to bring them to book for it. I haven't heard of anyone being brought to task by their own side. There are no rules of engagement. We talked ages and ages about rules of engagement. There are no rules of engagement for them. And there's no comeback when they fire.

Steve Kroft: The NATO troops are expected to remain impartial. But that won't be easy. The American military knows it already has enemies in Bosnia; the Serbs, for example.

Steve Kroft: Last summer, NATO warplanes, mostly American war planes, pounded Bosnian Serb military positions, and inflicted heavy damage.

Lt. Colonel Bob Stewart: How many Bosnia Serbs, sons, brothers and husbands, were killed? And how many children, women? But sure as hell, someone at the far end has lost someone. Someone's got a grudge. And that person will not be under control necessarily, when Americans go in.

Steve Kroft: Is that realistic, to expect that the—that the United States can go in there and be a neutral force?

General Louis McKenzie: On the first day you arrive, you could well be impartial. But on the first evening of the first day that you arrive, and one side targets you, Corporal Jones and Lieutenant Smith are probably not going to be terribly impartial.

Lt. Colonel Bob Stewart: If you act at all, you'll lose your impartiality. I'll give you an example: When I was there, our blood . . .

Steve Kroft: Colonel Stewart told us his Battalion ran into a situation where it had some surplus blood. Rather than throw it away, they decided to give it to the local hospital.

Lt. Colonel Bob Stewart: Now, that's a pretty neutral thing to do, you would imagine. No. The next thing I had was the local Bosnian Croat commanders and also the mayor of the town, complaining like hell, that I had given our blood to a hospital that was predominantly Muslim. So, in reality, in order to act at all, you should somehow get a third of the blood supply to Bosnia Croats, Bosnia Muslims, and Bosnian Serbs.

General Louis McKenzie: I have never run up against that problem in any other mission area. Through Central America, the Middle East, Vietnam, etcetera, where even talking to one side during the negotiation process is seen as collaboration by the other side.

Steve Kroft: So, it's possible then, in our function there, that we could end up with everyone against us.

Lt. Colonel Bob Stewart: Well, that would be perfect.

General Louis McKenzie: Yeah. Like the General said, ''That would be perfect . . .''

Lt. Colonel Bob Stewart: Then you're neutral.

General Louis McKenzie: If you can get everybody to just dislike you equally, then you—you're on the right track.

Steve Kroft: They aren't laughing because it's funny. It's called gallows humor.

To make sure American soldiers aren't put in indefensible positions, they would bring with them, massive fire power . . . Some of that firepower, was on display a few weeks ago, during live fire exercises in Germany.

And the Pentagon is promised that American troops would be able to use that firepower. If attacked, they would be able to respond decisively and immediately.

The Secretary of Defense, Perry, says we are going to be the meanest dog on the block. Is that—is that what's needed?

Lt. Colonel Bob Stewart: Well, I could be quite crude and answer that, ''you can be the meanest dog in the block, but when someone's got you between—between their legs, you howl like hell. Surely, weren't the American troops, the meanest dog in the block in Vietnam. I don't wish to say there's a—some kind of parallel here, but you're not necessarily fighting a war that's a standard conventional war in Bosnia. You're not meant to be fighting. In a way, you're meant to be in between. And in between, standing there, trying to get peace, is dangerous, and people get hurt.

General Louis McKenzie: I'm not sure that the meanest dog in the block is the right analogy; maybe a seeing eye dog. Maybe a seeing eye dog could help these folks, because they're the ones that have to make the peace and keep the peace. It's not—you can't—you can't impose peace more than you can impose morality. You can't kill people to make peace. It just doesn't work very well.

Steve Kroft: What you need in Bosnia, General McKenzie says, is patience; lots of patients; and realistic expectations about the prospects for long-term peace in the Balkans.

General Louis McKenzie: I don't think I was exaggerating when I said three or four years ago, if Americans gets involved in this particular game, maybe they should start training their grandchildren as peacekeepers. Because this—I mean, we've been in Cyprus for over 30 years now, on a U.N. mission, and I—it won't surprise me if we're in Bosnia for over 30 years.

Steve Kroft: President Clinton said this is a gonna be one-year commitment.

General Louis McKenzie: Everyone—everyone agrees that that's for domestic consumption. It's just no way you're gonna be out of there in one year.

Steve Kroft: So, you're saying that you believe that there will be United States troops in Bosnia taking casualties, during a Presidential Election?

General Louis McKenzie: I—I hope there are no casualties. But I believe there will—if you go in, in the near future, there will be United States troops in Bosnia during the—the Presidential Election, and another Presidential Election, and another Presidential Election.

Steve Kroft: Do you agree?

Lt. Colonel Bob Stewart: Absolutely.

Steve Kroft: Is it a mistake to say that you're gonna be out in a year?

Lt. Colonel Bob Stewart: Well, I don't think it's a mistake, but I don't think any—any—I think it's rather foolish statement to—to say, that—there is a time limit. Because I don't think you can actually necessarily put a time limit on something, when we don't even understand—we don't even know what's going to happen there tomorrow.

Steve Kroft: President Clinton and his State department have heard these dire assessments before. Some have even come from American military officers. But the President and his Administration are taking their cues from history; and their belief that an abdication of responsibility in Europe, could destroy the NATO alliance, and weaken America's position in the world. And even former military commanders, who have spent time on the ground in Bosnia, believe that argument has some merit.

General Louis McKenzie: With all due respect to NATO—and I served nine years in NATO—I mean, it is looking for a mission. And if it passes this one up, it might be a long time before another one comes along. So this is a defining moment for NATO, overworked phrase, but I think it is.

Steve Kroft: Is this a situation where the Europeans said, ''This is too tough a problem for us to solve. Let's let the Americans do it?''

I think, Colonel Stewart, a lot of people probably are thinking that.

Lt. Colonel Bob Stewart: Yeah. I think it's possibly true. I mean, quite frankly, I don't care. Really, I don't care who leads. But pray to God, someone does, and we get something done. I don't care.

Lt. Colonel Bob Stewart: All I want—I personally, and I know General Lewis is the same, want peace restored to this area. We actually feel quite strongly about the place. We know that the vast majority of the people are crying out for the fighting to stop.

Steve Kroft: And finally, there is the moral argument; 200,000 people killed, 1.8 million driven from their homes. Does the world's last superpower have a moral duty to end the suffering? Is there a chance that the Serbs, the Croats and Muslims really are finally tired of the bloodshed.

General Louis McKenzie: There's a whole bunch of things involved here, just in addition to doing the right thing. I mean, there's the American political process which is unique. There is NATO looking for a role. There's a country that self-destructed over the last three years, and is looking for some help. There's a whole bunch of very brave non-governmental organization working their butts off in the former Yugoslavia, delivering medicine and food, et cetera, et cetera, and all that comes together in Dayton, with three people that we agree we don't trust.

BOSNIA: QUESTIONING THE CLINTON PLAN . . . BUT SUPPORTING OUR TROOPS!

Republicans don't question the President's authority, as Commander-and-Chief, to send U.S. troops to Bosnia. We do question his judgment. For an operation that will place American lives at risk, the ''Clinton Plan'' for Bosnia is fraught with difficult-to-swallow Administration ''assurances'' and too many unanswered questions. However, as much as we may disagree with the President's decision, there should be no mistake that Republicans will strongly support our troops once they are on the ground.

The Process—The President's promise to send 25,000 U.S. ground forces to Bosnia was made in an ill-conceived and off-hand remark more than two years ago. It became a commitment in search of a mission. Clinton made this promise without gaining the support of the American people and before consulting Congress. As a result, both Congress and the American people have been shutout of the process that now involves sending American men and women to Bosnia. This problem is highlighted by the numerous polls indicating close to 60 percent of Americans continue to disapprove of the Clinton plan to send U.S. troops to Bosnia.

U.S. Troops As Targets—There are inherent problems with using American soldiers as ''peacekeepers.'' As Washington Post Columnist Charles Krauthammer has written, ''If you are unhappy with the imposed peace, there is nothing like blowing up 241 Marines or killing 18 U.S. Army Rangers to make your point.'' The lessons of Beirut and Somalia are simple—when the United States, the world's only remaining superpower, sends troops to unstable regions of the world, they immediately become targets for those seeking either attention for their cause or retribution for past events, such as NATO-led bombings.

Can U.S. Peacekeepers Remain Neutral?—The Clinton Plan calls for U.S. forces to act as neutral enforcers of the peace while the U.S. also helps arm and train the Bosnian Muslims so they will be able to defend themselves once American troops leave. This scenario, however, ignores the role America played prior to this peace accord. It was American planes that bombed the Bosnian Serbs into submission in order to force them to the bargaining table.

As for arming the Bosnian Muslims, the Clinton Administration contends that the Bosnians need arms to defend themselves once American forces leave. But if peace has broken out, and the American ''enforcers'' are no longer needed, exactly who will the Bosnians be defending themselves from? The fact that the Clinton plan recognizes that the Bosnian people will need to defend themselves from the Serbs once the American forces are gone illustrates just how illusory this peace really is.

Is There Really a Peace?—While peace may exist on paper, it is unclear as to whether it exists in the hearts of the Balkan people. Recent news reports indicate that the peace plan is not receiving a very enthusiastic endorsement from the Bosnian Serbs, especially those living near Sarajevo. And it is still unclear to most Americans why 60,000 heavily-armed, combat-ready soldiers are needed to ''enforce'' a ''peace'' agreement.

The Clinton Plan Is Poorly Defined—Before our troops are fully deployed, Republicans will continue to insist that the President outline a clear and achievable objective and define what encompasses a successful mission. Finally, the President needs to develop an exit strategy that is more comprehensive than the simple goal of having our troops home in one-year.

Republicans Support Our Troops—While Republicans continue to question the wisdom of the President's decision to send U.S. forces to Bosnia, we understand that it is a foregone conclusion that they will go. Indeed, close to 1,500 troops have already begun to arrive in the former Yugoslavia. There should be no doubt that Republicans will unconditionally support our troops once they are in Bosnia. We will make sure our troops have every resource available and as much leeway as they feel they need to defend themselves should they be attacked. Again, there should be no mistake: Republicans will support our troops in Bosnia and we will continue to work to ensure their safety throughout this mission.

NATIONAL HEALTH CARE: WE SHOULD NOT SURRENDER THE DREAM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, we have 10 days left on our countdown until the budget deal is made. Ten days left, and it appears certain that there will be some great disappointments among a majority of the American people. The majority will be swindled by this budget deal, but I am here tonight to send a message that we should not be discouraged.

The budget deal that is going to be made is not a surrender, it is a retreat. It is temporary. The dream and the vision of the American people to have a better society, a society which makes use of all of the resources of our tremendously rich industrialized economy should not be surrendered. It still can be realized.

Last year we drove for a while, for the first two years of the Clinton administration, toward a national health care plan. The national health care plan's dream was to realize universal health coverage for the first time in the United States of America. Most of the industrialized nations of the world do have universal health care coverage, or something close to it.

Because of the fact that the legislation which is before us now, the legislation which is likely to be agreed upon, the negotiations dealing with the legislation and the appropriation when it is all finished, we will be a long ways away from that universal health care dream.

We should not surrender the dream though. We should only understand that it is a temporary stalemate. It is a retreat which we continue to insist that this country is rich enough, this country has the resources, and the people of this country deserve a national health care plan which guarantees health care for all who need it.

☐ 1945

That is a next step in our civilization that we should not ever turn our backs on. The fact that the deal is going to be made and we are going to be far short of that should not deter us. The deal will be made and no matter what it is,

it certainly will leave us without universal health care coverage.

I only hope that we are not so far away that it may take us another 10 years to regain the territory that we lose. I only hope that we do not lose the Medicaid entitlement. The Medicaid entitlement is the first step that was taken 30 years ago toward health care coverage for all who need it. If we lose the Medicaid entitlement, if we no longer are willing to say to every poor American that if you are in need of health care and you are poor, you qualify by a means test, which tests whether or not you really are eligible, if you qualify, you get the health care coverage, you get taken care of. You are not left to die. You are not left without a nursing home, if you cannot afford it. Medicaid pays for health care for poor families, but Medicare also pays for most, two-thirds of Medicare goes for nursing homes and the care of the people with disabilities. So people with disabilities and the elderly who need nursing homes are as much beneficiaries as poor families of Medicaid. So we should not forget that. The Medicaid brings us closer to the realization of universal health care than any other Government program in health care. If Medicaid entitlements are lost, we will experience a great setback. So step one is to hope that in the negotiations which grow more questionable each day, there is less to negotiate with as the days go by. We had the defense appropriation as part of the negotiation at one time and as long as the President did not sign the bill, we were waiting for him to veto the bill, then you had the possibility of a $7 billion process there, $7 billion that the President clearly felt was not needed. It was not in his budget, $7 billion which represented things like the B–2 bomber that everybody agreed we did not need.

We had the flexibility of at least starting negotiations with $7 billion on the table that could be transferred from wasteful defense expenditures to expenditures that were more meaningful in education or health care, et cetera. That is gone. The defense bill has become a part of law. The defense appropriation now has been, sort of by default, since the President did not veto it, the time period lapsed and now that is off the table. So without a doubt, we are in a little weaker position than we were before the defense bill was allowed to pass through.

That is why I say that as we move toward the deadline of December 15, every day of the countdown brings us a little closer to a situation where we are weaker than we should be. And, therefore, the outcome is inevitably going to be a dissatisfactory one. It is going to be a disappointing one. It is only a matter of how much are we going to give up, how much are we going to hold on to.

Whatever the outcome is, we should insist that it is only a temporary setback. It is only a retreat. It is not a total defeat. We will not surrender. We will insist that we come back and, when the Democrats regain the House of Representatives in 1996, health care will be back on the table. We will move again toward universal health care coverage. It cannot be surrendered. We cannot envisage an America which does not care about the sick, an America which does not care about the elderly and what kind of nursing homes they have. We have to insist on maintaining that standard for our civilization. We have to get back to the fight, and we have to get back to it with gusto.

The majority have made it clear that they do not want to retreat on health care. The majority have made it clear that they do not want the Medicare and the Medicaid cuts. More than 70 percent of the people have said that they do not want the health care cuts in Medicare and Medicaid. The majority have said they do not want cuts in education. The majority have said they want the President to veto many of the bills that he has already signed, but certainly those that are left, basically the health, education, and human services budget, certainly the one they most of all want him to veto.

The majority has made it pretty clear that they think that the movement of the Republican majority to dismantle the programs that were created by Franklin Roosevelt in the New Deal and by Lyndon Johnson in the Great Society, the rapid movement of the Republican majority to dismantle and to wreck these programs, the majority has indicated they do not agree with. They do not think that this kind of extremism is necessary. They do not accept the artificial crisis that has been created.

The majority have made it clear that they are not on board and they are very much against this. Yet it sort of creeps forward because that is the way our Republic works. The people who have been elected can ignore the majority for a while. They can get away with it.

So I want to just reaffirm the fact that we need health care for every American. We can have health care for every American. The country can afford it, and we should not accept whatever happens when the deal is finally completed as being final.

Health care in many cities and many areas of the country right now is already undergoing some drastic changes for the worse. Even while the debate is taking place and no final decision has been made about what funds will be available and what new rules will be in place, health care systems are being dismantled in rural areas. Health care systems are being drastically changed in urban areas. And in New York City, there is a great dramatic change taking place now. Health care administrators in large numbers are leaving. Restructuring of hospitals is taking place. Super HMO's are being developed to swallow up small HMO's.

All of it represents a great deal of energy, a great deal of change, which has very little to do with the improvement of health care. The restructuring is all about how the funding will take place. The restructuring is about who will make profits. The restructuring is about how will you save money by giving the patients minimum service and maximizing the profits for the providers.

It is a very unfortunate situation. There was an article that appeared in the New York Times on Friday, November 3, which I think sort of sums it up, ''Can Someone Save My Hospital,'' is the op-ed article's title. The dismantling of New York City's health care system has already begun.

The mayor has a plan to privatize and drastically change the hospitals. They are going to be closing city hospitals. Many of the city hospitals are getting ready to sell themselves or to be sold. HMO's are being developed that will compete with each other for patient dollars.

I will just quote from this article, ''Can Someone Save My Hospital,'' by Gary Calcutt who is a physician. He is medical director of a special care AIDS clinic at North Central Bronx Hospital. And one paragraph in his article reads as follows:

> This plan will no doubt take some time to carry out, but in fact the dismantling of the city hospital system is now underway. Because of State Medicaid cuts and a reduction in city subsidies, the Health and Hospitals Corp. has had a budget shortfall of $950 million over the last 2 years, forcing it to slash services and to cut personnel. Twice in the past year nearly all the agency's employees have been offered a severance package. The second buyout offer in May was accompanied by a letter from Dr. Bruce Segal, who was then president of the Health and Hospitals Corp., strongly urging employees to take the severance package in order to avoid layoffs. The agency's managers must approve each layoff but in North Central Bronx Hospital, I don't know of any employee who has been denied a severance buyout. This has led to devastating losses in some crucial departments.

He goes on and on. I have had my constituents come to me and say, look, you must come and visit Kings County Hospital. I go there quite often, but they wanted me to make a special visit and walk around in various departments and look around carefully. They said, you can visit, you can see the chaos, you can see why patients are bound to be suffering because the chaos is so great; the overworked personnel are so obviously tired. There is so much, the morale is so low until it is visible. And they were right. You could feel it in the hospital. You could feel that this hospital is no longer the way it once was.

I have been there many times. Kings County Hospital has a history of being one of the finest hospitals in the Nation; 40 years ago people came from all over the country to be treated at Kings County Hospital, a public hospital. But now it is in chaos, and it may be in better shape than many of the city's hospitals.

So the process has begun. The suffering has begun. But I am saying we

should not surrender. I am saying that this too must pass. When the budget deal is made, we should not surrender. We should not give up on health care.

We should not give up on education. We know already that the Federal Government only pays a small percentage of the total educational bill. The total funding for education, over $360 billion the last year, is borne by State governments and local governments. The Federal Government is responsible for only about 7 percent of the bill. So when you look at the cuts in education and you say that there is $4 billion cut in 1 year, it is a large amount to cut from the Federal budget. I think it is a 16-percent cut. But it does not represent a 16-percent cut across the Nation in education expenditures by itself.

But what has happened is the Federal Government's cut, its statement that education is of less importance, the Republican majority's indication that education is of less importance, that we pay lip service to the fact that education is an investment in the future of the country, education guarantees that young people will be able to survive in a very complex society, they will be able to qualify for the high technology jobs created, we have all of the rhetoric on both sides, Republicans, Democrats say the same thing. But the Republican majority has indicated they really do not believe it.

If you can make cuts of that magnitude at the Federal level, you send a message down to the State levels and the local levels. So they have begun to cut, too. In New York City, the school system has been cut by almost $2 billion over the last 2 years. New York City has almost a million students, and the budget at one time was up to $8 billion for the million students. But those drastic cuts have taken place so you have obvious hardships.

When the school term started last September, 8,000 youngsters in the New York City high schools had no place to sit. Right now there are classes of 40 and 45 students. And there are still problems with just getting places for children to sit. An editorial recently in the New York Times talked about the fact that every time it rains, the New York City schools literally wash away. You have the rains going through the crevices of the old buildings and the sand and the cement is drained away. The bricks start to fall. So after every rain you have large numbers of bricks falling from these old buildings. So the New York City schools are literally falling down. There is no hope in sight in terms of new construction because the budget cuts in construction preceded the other cuts.

All of this is taking place in education. But I say, we should not surrender. We should not accept the fact that the Federal Government is retreating in this one budget. Which is under the control of the Republican majority. We should hold onto the dream that the Federal Government, although it never will play a major role in funding of education, it has a role to play. It never will play the predominant role but it has a major role to play.

The Federal Government still is the only place where you are going to have any long-term research and development to improve schools. The Federal Government is still the only place where you are going to have the kinds of financing for higher education that you need, infrastructure of colleges and universities are in deep trouble, updating of equipment of colleges and universities. There are a number of things that need to be done on a scale that will require help from the Federal Government. Otherwise, the help will not be coming. Private industry and private donations will not be able to do it, and certainly States and localities will not be able to do it.

We should not surrender and say that it is never going to be done by the Federal Government. We should not say that we are forever going to have B–2 bombers that are not wanted by the Joint Chiefs of Staff, the Secretary of Defense does not want it. The President does not want it. We are going to forever continue to fund B–2 bombers and neglect education.

We should not surrender and believe that that is going to happen. I do not think it is going to happen. The majority want education to be made a priority in the expenditure of Federal funds and Government funds at every level. The majority will ultimately prevail.

□ 2000

We must hold on and understand that the fight has just begun, the public opinion has just begun to manifest itself. They are just waking up here in Washington to the fact that the American public means it when they said that education is a top priority for Government expenditure, they mean it when they say that health care is a top priority. It is not just an idle piece of energy thrown away when people reply to polls. They are replying to polls and telling them the truth, we mean it. Education ought to be a top priority. Right now it is No. 1 in the polls; health care, No. 2. From week to week they rotate, they alternate. Health care and education clearly are No. 1 priorities. If the decisionmakers here in Washington, if the Republican majority, respected the majority of American people, then certainly we would not be in this dilemma.

So the majority should not sit, but the majority should not give up. They should wait, and in the process of waiting we should assert ourselves. The majority should continue to make certain that the public opinion polls register what you believe.

In the process of continuing the fight I think I cannot stress too often that there is a bedrock basic piece of information that we should always fall back on. We should not accept the theory that America is in a state of fiscal crisis. We should not accept the notion that the country is about to go bankrupt, that Medicare and Medicaid cannot be funded. We should not accept the notion that the Federal Government will go bankrupt because it helps poor people. All of this is just not true.

We should understand that there is a problem, there is a problem in terms of taxes being too high for individuals with families, and we should deal with that problem. There is a problem of waste in Government, and we should deal with waste wherever waste is. The waste is in the B–2 bombers that nobody wants. The waste is in the CIA that continues to spend at the same level it was at during the cold war while it does more and more harm.

Mr. Speaker, the CIA is one example of an agency that ought to be streamlined and downsized before it does more harm. The CIA's latest revelation about the incompetence and the evil of the CIA has been manifest in a ''60 Minutes'' exposé of a fact that the CIA had on its payroll the head of the organization in Haiti called FRAPH.

FRAPH is an organization that demonstrated, and brought guns and terrorized the pier in Haiti when the first ships were sent to Haiti with Canadian and New York City personnel, New York State—I mean United States personnel, some police from Canada and police from the United States, and engineers from the United States Army were supposed to be the first peaceful contingent landing in Haiti, and that was part of a peaceful plan that had been agreed to at Governors Island. But they were greeted on the docks by this demonstration of men with guns who roughed up the Embassy officials from the United States Embassy in Haiti, and they made all kinds of threats, and the *Harlan County* ship decided to turn around and not dock at the port there in Port-au-Prince, Haiti. They did not dock because the intelligence that we received was that that group that was demonstrating on the dock was a very dangerous group. The intelligence that come from the CIA was that great harm would come to American personnel and Canadian personnel if they had landed that day. That was what the CIA said.

Mr. Penizullo, who was then the President's envoy for the Haitian problem, he was dealing with the Haitian problem. He insisted that it was just theater, that this group had no depth, that there was no danger from this group, and that the *Harlan County* should go ahead and dock, we should proceed with the implementation of the Governors Island agreement as we agreed upon it. But the CIA insisted that, no, this group represents a real threat, great harm could come to America forces, and since this incident was following the Somalia debacle where 18 Americans have lost their lives in Somalia, the President accepted the advice of the CIA and ordered the *Harlan County* to turn around. So you had a great American ship being turned around by handful of thugs in the Port-au-Prince harbor because the CIA had said that those thugs represent a large armed threat.

The CIA insisted on this, and it turns out that all along the CIA knew better. The CIA knew because the leader of the group that met the *Harlan County* ship in the port was on the payroll of the CIA. They knew who Emmanuel Constant was because Emmanuel Constant had been recruited by the CIA, and the CIA had its own policies separate from the White House's policies and programs, and the CIA thwarted the first peaceful attempt to restore the legiti-

mate Government of Haiti to power. That peaceful attempt, if it had been allowed to go forward, would have saved the United States at least a billion-and-a-half, maybe $2 billion, because a year later almost exactly a year later, the liberating forces of the United States went into Haiti, 20,000 strong, armed with equipment, et cetera, because of the fact that the first plan, a peaceful plan which would have cost much less, would not have involved large amounts of troops, and equipment, and et cetera. That plan had been thwarted by a group that the CIA knew was a very small group because they had recruited it and they had the head of the group on the payroll.

Emmanuel Constant is now in prison here in the United States. Emmanuel Constant has confessed and told all as to how he was recruited, how he was urged to run for President of Haiti, and I believe the story 100 percent. The CIA of course has not denied it; they just have no comment. They do admit that they sometimes hire people in foreign countries to get information from them. The implication is that Emmanuel Constant might have been on the payroll of the CIA, but all they wanted from him was information. There was no further plot to undermine the legitimate Government of Haiti.

I cite this one example as just one more of several examples I have cited over the past of blunders of the CIA which are costly and also dangerous. I need not go back and tell the story of Aldrich—and recount the story of Aldrich Ames. Mr. Ames is in prison now.

Mr. Ames even recently, with all of his arrogance, wrote a book review on a spy novel, and the book review was in, I think, the Washington Post, a book review of a spy novel where he chastises the author of the novel as being an amateur, et cetera. I found it sickening that a man who was in prison as a result of serving for 10 years as a Russian spy; you know, he was in charge of CIA spying on the Soviet Union in Eastern Europe, and he was in the employ of the soviet Union in Eastern Europe. They admit that at least 10 agents lost their lives as a result of Mr. Ames' betrayal of his country. There is nothing lower than a traitor, you know, and I cannot see how this traitor is now being allowed in prison to write book reviews and to parade his ego over the pages of the media showing what a smart guy he is.

But Aldrich Ames was there for 10 years. Aldrich Ames was not detected despite the fact that he was an alcoholic, he used the CIA safe houses for his trysts, his rendezvous with his women. He did all the things wrong that you are not supposed to do, even failed a lie detector test, and still the CIA did not detect that he was spying for the Soviet Union. He had a bank account which allowed him to own very lavish homes and cars, something he could never afford on the CIA salary, the CIA on his salary of course, but who knows what the CIA has paid. All things which affect CIA are secret, so you really do not know what was paid, but it was agreed that Aldrich Ames really did not earn enough money to have the kind of luxurious lifestyle that he had.

Despite all that, alcoholic, betrayal of CIA codes with respect to sex and safe houses, lavish living, he was only accidentally sort of discovered, and of course there are still revelations about the harm that was done by Aldrich Ames. Not only did at least 10 agents die as a result of his betrayal and his activities, but we now know that he passed on information from some of the agents that were in question that was not correct information, and he led the United States Government to expend large sums of money on various activities, probably like star wars, and counter warfare, submarine warfare, and a number of things that were based on information deliberately fed to our Government to make our Government spend money on activities to counteract Russian achievements in military hardware which did not exist.

So in every way Aldrich Ames is an example of a blundering CIA that not only is costly, but is also dangerous.

The other example I have given of the CIA blundering is the fact that they discovered that the CIA had a slush fund, a petty cash fund, of at least $1.5 billion. Everything is secret again, but we know they confessed, and the press has pretty much established that it was at least $1.5 billion in petty cash or in an account that was treated like a petty cash account that nobody knew about in high places. The Director of the CIA did not know about the petty cash account, and the President did not know about the petty cash account. How can you have a fund of $1.5 billion and it not be known in the circles above you, the supervising circles that are there? Who had it and where are they? Who was put in jail as a result of harboring this $1.5 billion slush fund? And if they had a $1.5 billion slush fund that nobody knew about, the likelihood that they were also at the same time had more money and were misusing funds is great, but of course, everything is secret, and we still do not know exactly what happened.

I am only giving this example as an example of a place where there is obvious waste, there is dangerous waste, and, if you want to save money, then downsize the CIA, streamline the CIA, cut the budget of the CIA. It is just one example of many where you can cut the budget appropriately.

So we should not surrender, we should not admit, that it is impossible. We should not accept the big lie that it is impossible for America to ever provide health care for everybody, you cannot have universal health care in America. You can have it in Germany, you can have it in Japan, you can have it in Italy, you can have it in France, but you cannot have it in America. You can never have education paid for all the way through 4 years in college as they have in France or a few other nations. You cannot have that in America. We are too poor. Do not accept that big lie no matter what happens in the budget negotiations and where we end up on December 15.

I am saying the majority of the American people, the great majority out there, people who I call the caring majority, should never accept this. The dream should not be surrendered. We should just understand it is a temporary setback and we will continue. We will continue the quest for Federal involvement in education at every level, we will continue the quest to guarantee that our society provides maximum opportunity for all and that we also meet the threat of a changing economy which requires job training and readjustment for large numbers of people.

I wanted to talk about continuing the process of forging ahead and not accepting the temporary setback without having to use my chart tonight. I think you probably have grown weary of seeing the chart which reflects a large part of the answer to the problem of both the deficit and the excessive taxation of Americans. I hope you have not grown weary because it needs to be branded into the memory of every policymaker in America. It needs to also be clearly branded into the memory of every American voter. There is a basic story told by this chart, and whereas I wanted to sort of take a recess and not bring it tonight; today I read an article in the New York Times. I was a little late in reading the Sunday Times, and I read an article which really upset me greatly, and I in the process of reading that article determined I have to go back one more time before this session is over and explain this chart.

I have to explain the chart because the writer of the article in the New York Times; it was Sunday, December 3, and the name of the author is Keith Bradsher; it is not a op-ed page article, so I assume he is a journalist, a reporter, or an analyst for the New York Times. He chose to write an article about Democrats and Republicans and how we have created the deficit together over the last three decades.

☐ 2015

The title of the article is ''Deficit Partnership,'' and the subtitle is ''The Republicans and the Democrats Dug the Budget Hole Over Three Decades.''

As I read the article, I could not help but boil with fury because of the fact that here is a very long-winded analysis. They use a large chart here showing over a period from 1965 to 1995, a 30-year period, what happened. A lot of thought has obviously gone into the article. Why a journalist, an analyst of this caliber, maybe he has some economic training, why or how he can discuss this problem of the deficit over a 30-year period and not deal with the whole problem of revenues and the problem with the fact that the American people were swindled in the methods used to collect revenues. He talks only about expenditures.

The Republicans and the Democrats dug the budget hole over decades. He talks about how Republicans and Democrats together have increased the expenditures. He does not talk about what happened with the revenues and how, while expenditures were increasing for various reasons, some of them good, a great drop took place in the revenues; and the revenues did not drop in the area of personal or individual and family income taxes, the revenue went up in the area of individual and family income taxes.

The revenue dropped drastically in the area of corporate income taxes. The story of the great drop in corporate income taxes as a percentage of the revenue collected by the Federal Government is a story that nobody wants to tell. The New York Times reporter, analyst, journalist, whatever he is, does not want to talk about it. You will not find the commentators on television, the talk show hosts, nobody wants to talk about the fact that taxes in 1943, and I did not go back as far as he went and this article went back, actually this article went back to 1965, 30 years; 1943 goes all the way back, World War II was still underway in 1943. The income taxes being paid by corporations were up to 39.8 percent, almost 40 percent, while the income tax being paid by individuals and families was 27.1 percent. I have gone over this many times, but you just have to get the red bar and the blue bar clearly focused in your mind in order to understand the nature of the great swindle that took place.

In 1943 corporations were paying 40 percent of the burden, the income tax burden, but in 1983, 40 years later, the corporations are paying only 6.2 percent of the tax burden. Only 6.2 percent of the income tax burden is being borne by corporations, and the individual's share of the taxes has shot up from 27.1 percent to 48.1 percent. That was the highest point of taxes on families and individuals. This was when Ronald Reagan was in his heyday on his trickle-down economics, the rising tide will lift all boats, and if you will cut the taxes for corporations they will create jobs, and those jobs will fuel an economic revolution, a miracle, and everybody will benefit.

Mr. Speaker, individuals and families did not benefit. They ended up paying more taxes. They paid 48.1 percent of the taxes in 1983, while corporations dropped to an all-time low of 6.2 percent. Now corporations are up, up from 6.2 percent to 11.2 percent, which is, thank God, a slight increase, but individuals are still up at 43.7 percent.

We have Mr. Bradsher discussing the deficit partnership and how the deficit took place, and at no time does he talk about this dramatic change that took place in the tax structure, in the burden, the percentage of the tax burden that shifted from corporations to individuals. How can a learned journalist, analyst, economist make such a discussion without discussing the obvious? If the physical sciences, physics and chemistry, proceeded in the same way, we would probably be 30 or 40 years behind in our technology. If you take a major factor in a discussion and ignore it completely, then you certainly cannot be said to be participating in any scientific reasoning process. You certainly be said to be proceeding in a logical manner when you just leave out a great portion of the argument.

Mr. Bradsher is intent on blaming both Democrats and Republicans. I would concede that from the beginning. Whatever has happened in America over the last 30 years, 40 years, it certainly has been both Democrats and Republicans. Yes, in 1983 Ronald Reagan was President and that is why you have corporations' share of the income taxes go down to an all-time low of 6.2 percent, but Democrats were in control of the House Committee on Ways and Means, where all tax policies originated, so if we had a scandalous situation where the income taxes for individuals and families went up to 48.1 percent while the taxes for corporations dropped to 6.2 percent, then both the hands of the Democrats who controlled the Committee on Ways and Means and the Democrats in the House who voted for it are dirty in this situation where the American people as a whole, the great majority, were swindled. This is something that I would concede.

Mr. Bradsher, from the very beginning, I would say yes, the Democrats and Republicans were both guilty. My problem is not with that assertion. The problem is why do you go on and on and you do not even mention the fact that there was a great revolution taking place in terms of the shifting of the tax burden.

I am going to read a few paragraphs, excerpts from Mr. Bradsher's article:

> Democrats in Congress have repeated for years the mantra that President Reagan pushed the deficit out of control by cutting taxes while raising military spending.

Democrats have said that. That is true.

To continue with Mr. Bradsher, though;

> Republicans have recited just as regularly the view that Democrats voted for ever-larger deficits during their 40 years of control in the House.

The deficits did get larger, but when Jimmy Carter left office, it was less than—it was around $70 billion per year versus when Ronald Reagan left office, it was almost at $400 billion per year, the deficit. But he is right, the deficits did get larger:

> Among experts who have studied the history of American budget deficits, there is fairly broad agreement that both sides are partly right. Neither party has clean hands, and the slower economic growth over the last 20 years has made the situation worse. The current budget negotiations between the Republican Congress and a Democratic President, stalled in large measure over handling the deficit, are a reminder that the budget policy of the United States is made by compromise.

Yes, that is true. Some of the biggest decisions that continue to feed the budget deficit were made by Republican Presidents with Democratic Congresses, notably during the Richard Nixon and Ronald Reagan administrations. He goes on to point out what I have just already conceded, that both Democrats and Republicans were guilty. But all Mr. Bradsher discusses in terms of the creation of the problem is expenditures.

He talks about the fact that—

> There was a competition between the Republicans and Democrats at one time on expenditures for the elderly, a rivalry between Richard Nixon and Wilbur Mills. Wilbur Mills was the Democratic chairman of the Committee on Ways and Means who made a brief bid for the Presidency in 1972. That rivalry between Nixon and Mills contributed to the decision to increase payments to Social Security recipients by 15 percent in 1969, by 10 percent in 1970, and by 20 percent in 1972. In each case the administration advocated a generous increase, and the Congress added a little more.

I am not going to criticize the Congress or Nixon for the increase in Social Security payments. They were far too low. I think that is an example of expenditures going up that was very badly needed. The expenditures were far too low for Social Security recipients who were in very dire straits, and that increase was certainly a noble increase, a reasonable increase, a justifiable increase.

As Medicare and Social Security costs have grown they have squeezed out Federal spending on other programs like transportation and education. Medicare and Medicaid expenditures, however, were raised when the Congress and the Presidents competed in terms of increasing expenditures in the area of expanding Medicaid to include pregnant women, pregnant women who were not necessarily on AFDC, the elderly in nursing homes, and all those expenditures were added to Medicare after it had first been created.

I would not quarrel with the Democrats or the Republicans for adding those uncovered people who were very important to the Medicare Program. Those expenditures I think were justifiable. All of the expenditures that are cited in terms of domestic discretionary expenditures in this article are not necessarily justifiable, but 90 percent of them are. He is talking about

expenditures for people, expenditures as an investment in education, an investment in health care, an investment in programs for the elderly.

If he were talking about expenditures for *Sea Wolf* submarines or for F–22 fighter planes and for star wars, then he would be talking about expenditures that we could have done without. If he was talking about expenditures for the CIA and the intelligence operation on a large scale after the cold war was over, then I would say he was talking about expenditures that we could certainly do without.

The point is that Mr. Bradsher goes on and on about expenditures and never does he once cite the fact that a revolutionary change in revenue collection took place, that we fell in our revenue collection from 39.8 percent for corporations and went up to 48 percent for individuals in 1983. Even now, in 1995, after some adjustment was made by the Clinton administration, corporations are paying only 11.2 percent of the total tax burden and individuals are paying 43.7 percent.

Why is this important? Because this is the bedrock of the dilemma that we face. This is where you end as you go backwards in the discussion to its foundation. The agreement that is going to finally be made by the Democratic President and the Republican-controlled Congress is going to have to do something about the question of tax cuts. Who will get the tax cuts is the question, or should anybody get tax cuts? That is the question that emerges from the editorial pages of more and more newspapers. We are down to a situation now where if you are going to have a balanced budget in 7 years, then you have to surrender the tax cut.

I am a Democrat. I am described as an old-fashioned liberal, but I think the American people ought to get a tax cut. I think you ought to have a tax cut for families and individuals. I think the tax cuts proposed by President Clinton that were related to education are very much appropriate. I think the tax cuts proposed which relate to children are very appropriate, if you were to rewrite them in a way which allows families that do not owe taxes to also benefit.

To rewrite the Republican tax bill would be almost impossible. I think you could build a compromise on President Clinton's tax cut proposals. Those tax cut proposals would give some relief to the American families and individuals who have financed the cold war and gone through quite a bit, and saw their taxes rise from 27 percent in 1943 to 48 percent in 1983, and to 43 percent, almost 44 percent, today. They deserve some relief. Individuals and families should get a tax cut. When all is said and done and the deal is made, individuals and families need some tax cut. It ought to be the individuals and families who are at the lowest levels in the economic strata, the middle-income and lower-income people, who get the tax cut.

At the same time, you cannot balance the budget unless you deal with the fact that everybody insists on ignoring, and that is that corporations have gotten away with a big swindle. If you follow the Congressional Black Caucus alternative budget, you can raise this 11.2 percent be first ending all subsidies to corporations by the taxpayers. We have a situation where taxpayers' moneys are used to subsidize corporations in certain activities. You can raise this amount by getting rid of those subsidies. You can raise the amount again if you close tax loopholes, starting with the loopholes that deal with foreign corporations.

□ 2030

Foreign corporations have advantages that our own home-based American corporations do not have.

There are a number of loopholes that can be closed which have been developed over the years, with the help of the Committee on Ways and Means and Ronald Reagan, primarily, while he was in office. Those loopholes can be closed now. If we merely raise the corporate share of the revenues from 11.2 percent up to 16 percent, we could lower this 43.7 percent, at the same time we raise the corporate up to just about 16 percent, and thereby give a tax cut.

When we do this, according to the calculations that were accepted using CBO figures, the Congressional Black Caucus alternative budget shows, we do not have to cut Medicare and we do not have to cut Medicaid. We do not have to cut Medicare and we do not have to cut Medicaid, and we can increase education.

The dream does not have to be surrendered on universal health care. We can keep the entitlement for Medicaid, and we can go further in terms of an additional amount of involvement of the Federal Government in education.

The Congressional Black Caucus alternative budget increased education by 25 percent. The President says that he wants to increase education by even more. Over a 7-year period, he talks about an increase of more than $40 billion in education. I have not figured the percentage on that, but the President is on course. The President is following the rhetoric of both the Republicans and the Democrats.

We all say that education is an investment in the Nation's security. Education is also an absolute necessity if our economy is to be able to compete, and what the President is doing is following the rhetoric and the philosophy and the ideology instead of ignoring it, although both parties have expounded along the same lines.

Education was deemed a priority by Ronald Reagan. He was the first one who sounded the trumpet and said, we are a nation at risk if we do not act to revamp our entire education system. Ronald Reagan was the one who led the way. George Bush followed by saying he wanted to be the education president. He called a conference and set forth six goals. Bill Clinton was at that same conference. He continued what George Bush started.

So why are we on the verge of a $4 billion cut in education for the next budget year? Why are we on the verge of a tremendous 20 percent or more cut in education over a 7-year period?

We can give that up. We do not have to have those cuts. If we were to take a look at the hard facts of what has happened in America from 1943 to 1995, we would see that we have allowed ourselves to be swindled.

The share of the taxes paid by corporations could go up and nobody would suffer. Wall Street is booming. Everybody has indicated that we are in an unprecedented growth period. The Dow Jones average is above 5,000. A record-setting pace has been established.

So who is making the money? The corporations. The red bar is where the action is. The red bar is where the money is. Why did Slick Willie rob banks? Because that is where the money is. If we want to revitalize the American economy, then the revenue should come from the bustling sector of the corporate world where the money is. That is where we can solve the problem of the deficit: We can give a tax cut, and at the same time we can avoid the draconian cuts in programs.

Mr. Speaker, we are going to destabilize the whole society. We are refusing to recognize that poor people need health care, poor people need education.

We have a problem with the minimum wage, that I talked about last time, which does not contribute to the deficit at all, has very little to do with this chart, except if we were to increase the minimum wage, the profits of corporations would go down a little bit. However, at the same time, we would benefit greatly by having to expend far less on unemployment compensation and various other benefits that are provided to poor people, food stamps, et cetera.

Mr. Speaker, in short, I want to conclude by saying, we are 10 days from a final budget deal, and the outcome of that deal is going to be disappointing. We expect our Democratic President to make certain that we do not have a total debacle. We will not have a Dunkirk; we do not expect to surrender the Philippines. There are a lot of terrible things that will not happen, but it is going to be disappointing, it is going to be a temporary setback.

The important thing to remember is that the majority of the American people have already made it clear in the public opinion polls. They do not think that we have a crisis that merits the draconian cuts that are taking place. They do not think that we need to move against the elderly and cut Medicare. They do not think we need to move against the poor who are sick and cut Medicaid so drastically. They do not think we need to throw away our

education policies of the last two decades and desert public education or desert higher education.

All of these draconian moves are being made by people who have a vision of America which is an incorrect vision, a vision that is not the vision of the majority of the people. The caring majority knows that their welfare and their best interests lie in rejecting these cuts.

That is why the polls clearly show that at least 60 percent of the American people want the cuts to be vetoed and rejected. At least 70 percent of the American people do not want Medicare and Medicaid cut.

If we were to follow the common sense of the American people, they would make the budget cuts in the areas where there is real waste instead of insisting that the defense budget be increased by $7 billion while we are cutting the education budget by $4 billion. They would insist that we cut the CIA and obviously wasteful agencies instead of making the cuts in the area of Head Start, summer youth employment programs, and Medicaid.

The current majority knows that the Medicaid entitlement means exactly what it says. People are entitled to health care if they are poor; if they pass a means test and they qualify for the service, they are entitled to health care, the legislation that is before the President now. The appropriations bill before the President will take away that entitlement.

We have already almost lost the entitlement for Aid to Families with Dependent Children, and now on the chopping block we have the entitlement for Medicare. We should not surrender that entitlement. Everything possible should be done. Everybody should make certain that they register their opinions and that they communicate with their Congressmen and the President and the White House, everybody, to let it be known that one clear indication of a giant step backwards that cannot be accepted by the American people is a surrender of the entitlement for Medicaid. We will not surrender that entitlement.

However, even if there should be a catastrophe happening and we have a loss of that entitlement, I am here to say that it is only a setback, it is only a retreat. The majority will win in the end. We should get our forces and begin to reassemble and march on toward the dream.

America can have universal health care; America can have a budget which is a budget which seeks to take care of the interests of all of the people. This is the richest nation that ever existed in the history of the world. There is no reason why every American cannot have opportunity and decent health care, and we dedicate ourselves to that purpose, no matter what happens on December 15.

BOSNIAN CONFLICT IS CIVIL WAR

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under a previous order of the House, the gentleman from Indiana [Mr. SOUDER] is recognized for 60 minutes.

Mr. SOUDER. Mr. Speaker, I rise to discuss my opposition to sending our troops to war in Bosnia. As one of the new freshman Members, I do not pretend to have the experience of our earlier speaker, the gentleman from California [Mr. DORNAN], who has traveled to many of these areas and has much knowledge about our military.

I am a country boy from a small town in Indiana of 700. I come here on behalf of common-sense Hoosiers who are very concerned about what our President has committed us to do. I want to make a couple of general comments first before plunging into some specifics.

The first and core question is, is sending ground troops in our vital national interest? I think not. The primary question regarding the United States role in Bosnia is whether this is a civil war or is an act of aggression between two sovereign nations.

This conflict is a civil war because the Bosnian Serbs are fighting with the Bosnian Moslems and the Bosnian Croats over political control, power and authority. Since the conflict is a civil war, there is no legal obligation for the United States to get involved.

President Clinton even admitted the conflict in Bosnia is a civil war in an interview with Rita Braver of CBS News on April 20, 1994, stating the President of the United States as follows: ''I think this is a civil war in the sense that people who live within the confines of the nation we have recognized are fighting each other for territory and power and control. It is clearly a civil war.'' That is not a Republican stating that; that is the President of the United States.

Although the United States has numerous interests in a peaceful resolution of the Bosnian war, for example, ending the atrocities, preventing further human rights abuses and ending the suppression of minority groups. Much of this, I think, is coming out of a heartfelt concern for those who are hurting in other nations and watching the terrible torture. The conflict does not in fact threaten our national security.

Given the terrible nature of war, I am supportive of sending troops into combat situations only when there is a vital national security interest at stake and when a clear military objective is achievable.

So then the next question is, has the President provided a clear mission or exit strategy, which will place our troops in imminent danger because he has not provided such a mission or strategy. He has promised to commit at least 20,000 troops. We have heard 30,000, but it appears to be 20,000 here at the beginning, before an agreement was reached, instead of designing a plan that could coordinate troops with this specific goal. In other words, it was a mission looking for a purpose.

Clinton's implementation force has no clear mission. In theory, they are poised to act as buffers between warring sides, and in reality, they are targets for snipers. His is an arbitrary time period for exit and not a national exit strategy, which means anybody who wants to wait out the last months can do that. The potential for United States troops becoming targets for those who have no interest in bringing peace to the area is simply far greater than any national security interest in Bosnia.

Mr. Speaker, let me tell a local story that has ties to northeast Indiana. Marine Lance Corporal Jeff Durham of Fort Wayne, who graduated from Blackhawk High School, was involved in the rescue of Air Force Captain Scott O'Grady. The 20-year-old Durham and other members of the 24th Marine Expeditionary Unit were awakened on board a carrier in the Adriatic Sea around 3 a.m., were briefed, and departed for a mission 2 hours later.

Jeff was on board a backup helicopter which was prepared to defend the rescue team against the enemy if things went wrong. Their mission was to get between the rescue chopper and the enemy. Fortunately, O'Grady made a clean escape and the Marines did not have to get out of the chopper.

We may have a voluntary army, but it is wrong to view our troops as missionaries or use them in missions that do not have clear American interests at stake.

I know that the people of Fort Wayne and Jeff's family do not consider him a disposable asset, a mercenary just to be thrown around in the process of pursuing whims by our President. I also believe we have shown that there is strong congressional and public opposition to sending ground troops.

The House has voted on three separate occasions in opposition to United States involvement in Bosnia. In the DOD appropriations bills, the original House-passed bill contained the Neumann amendment by MARK NEUMANN, a fellow freshman from Wisconsin, which will restrict the use of funds for deployment of United States forces in Bosnia without the prior approval of Congress. It passed by a vote of 294 to 125 on January 7, 1995. In conference, this was modified twice to become a nonbinding provision and then was dropped completely.

By the way, many of us who opposed that DOD Conference Report the first time, one of the three main criteria that we opposed it on was the pulling of that Bosnia language.

Part of the agreement that came out of that was H. Resolution 247, which expressed the sense of the House that there should be no presumption by the parties to any peace negotiation that the enforcement of any peace agreement will involve the deployment of U.S. forces and emphasized that no

U.S. troops should be deployed to the region without prior congressional approval. This passed by 315 to 103; that is, no troops should be deployed to the region without prior congressional approval. Clearly, this has been ignored.

H.R. 2606 prohibited the use of funds appropriated to the Department of Defense to be used for the deployment or implementation of United States ground forces to the Balkans as part of a peacekeeping operation unless such funds have been specifically appropriated by Congress for that purpose. That passed by a vote of 243 to 171.

□ 2045

We have made our will known. We are not being heeded.

Hoosiers in northeast Indiana do not support sending the ground troops to Bosnia, either. Ninety-four percent of those contacting my offices have expressed strong opposition to the President's plan. We have hundreds of calls, up to three times as many as we normally get. We have letters.

In the last week I was on three different talk shows where 80 percent of the calls were on Bosnia. Outrage is being expressed by the people in Indiana that this President could ignore the will of the American people and to send our boys at risk of a potential war.

I also wanted to show, I know that Congressman DORNAN showed this map earlier, of a couple of noteworthy geographical points that have probably been made a number of times but I want to make them again.

First of all, the so-called Dayton line named after Dayton, OH—talk about interjecting ourselves in international foreign policy, we now have the line between the nations being named after an American city—snakes around making Vietnam look clearly defined. It goes for over a thousand miles. We are not quite sure because they are still sorting out these borders how many miles exactly, but it snakes around all over the place.

Then I asked in one of our briefings, I am on the oversight subcommittee over the Defense and State and CIA, chaired by the gentleman from New Hampshire [Mr. ZELIFF]. This is Croatia around in a U.

Is there anywhere else in the world where you have a nation with a U around another nation? The answer is no. You have Pakistan, it has been divided, it and Bangladesh, and you have other situations but no U situation like this.

Another core question is, since this part is tied with the Serbs, which is over on this side, what would have happened if we had not gone in? We were told that most likely Croatia would have drawn a line somewhere like this. Well, these yellow pockets are where Croatia had already advanced, that clearly the Serbs were vulnerable in this area, and that if this was what would have logically happened and if Croatia is in a situation like this U, what exactly do we feel is going to keep Croatia from doing a fairly logical geographical move over time?

Well, there are supposedly a couple of different arguments. One is that these areas are Moslem and that while they are working with the Croatians, although they were just fighting them, now they are working with them apparently again, that there was more concern by Croatia that this area would be taken over by the Moslems than the Serbs.

This is what you call to some degree hopefulness, because these areas have been fighting all between themselves and partly what we are banking on is that Croatia will not do the logical geographical close because all of a sudden they are going to decide, well, maybe we don't want to fight the Moslems anymore or the Serbians anymore even though we have been doing so for hundreds of years and we view them as occupying our nation's land.

It is a little bit hopeful thinking to think that when one army probably was going to win, when one army still has that incentive through history of many years of war, to suddenly say, ''Oh, we think now they're going to be good'' and maintain this kind of unusual geographical layout. Anybody who looks at this goes and say, ''Why exactly are we putting our troops in here?''

One other thing that is kind of interesting. We were told, and this map may be slightly different because there were two things still being negotiated. As is apparent, there is a very narrow part in here between the two parts of the areas controlled by the Serbian Bosnians, and the two areas that were still being debated and which are going to be the most difficult are this area right in here and Sarajevo. So the two places they have not defined are the two most difficult and the two most strife-ridden.

The Russian troops are going to be somewhere in here and the American troops are up here. This is a very difficult region to monitor. It is where the Germans were when they came down and lost so many troops, 70,000, trying to subdue this region. They came down through this area. We are putting ourselves right across from the Russian troops in an area where we are still negotiating the borders, where the narrow strip is, very narrow connecting, and you look at this and say, if you already have not established a compelling national interest and you already have a bunch of difficulties with this, would just logic not tell you in looking at this map that you are walking into an unbelievable potential nightmare of a situation for the U.S. Armed Forces?

In the briefings that we have had, a number of other things have been interesting talking about the mines that are there and the question of why are Americans going to be involved in taking out these mines?

Well, partly apparently we are going to ask all those who had been combatants in this to take out the mines first, but there are a couple of problems. One is that they do not exactly know where the mines are. Second, they do not have the equipment to detect the mines.

So since we have the equipment and since our troops are going to have to go through these areas as well as France and Britain, we are going to wind up having to go through the mines, and that is probably what the President was warning us, that we are going to lose lives trying to locate these mines that we do not know where they are and we do not exactly know how to find them, although, quote, they are in logical places. In other words, it is not as though they are randomly sorted. They are at where the front lines were, but since the front line has moved all over the place on this map, it is very difficult for us to know where the mines are. So we are going to have deaths related to the mines. There is no question of that.

Another question is whether or not the American troops will be targets After all, it was the American Air Force that bombed many of these cities.

One of the things that was kind of enlightening to me was, is that one of the reasons the administration is apparently arguing that our American troops may not be targets is very simple. We are going to rebuild their country. And so if they think that we are going to rebuild the buildings that we bombed out and helped build their nation again, then maybe we will not be targets because the Americans are nice guys and if they shoot us, we will not give them money.

We have heard $60 million, then we have heard $600 million. Estimates have certainly been floating around on the floor of the House as high as $6 billion. At a time when we are trying to figure out how not to cut the budget, to respond to the earlier Speaker, but how to slow the growth of the budget, it is pretty tough to go back to Indiana and say, ''Oh, by the way, we're having to slow down a little bit of the growth in these different programs, we're having to do this, we're having to do this but we're going to rebuild everything we just bombed over in Bosnia.'' It is a very tough sell on one hand to say we are tight on the budget, and on the other hand where there is not a clear compelling national interest that we are spending all this money rebuilding it.

Plus I just thought this quote was kind of interesting. It was in the New York Times, Friday, December 1. This was a young lady, when asked what she thought about the troops coming in, when asked what she thought of the Americans arrival, she said, ''It's cool. It's great. All the Bosnian boys are going to be very jealous. We don't date them anymore. We met some Swedish soldiers but these American soldiers will have everything. Cars and money.''

This ought to do great relations. We have already bombed their country. We

are coming in there rebuilding it, and now their young soldiers who are coming back and having to supposedly lay down their arms are finding that their girlfriends are all interested in the American soldiers, which is certainly going to lead to extra peace. It is not a major item, but it is just every single thing you hear is not working in our direction.

I read the book ''Balkan Ghosts,'' which I recommend to others to read. It is very interestingly written about this whole region. What strikes you is the violence that has occurred here over many, many centuries between the different nations, the different backgrounds, and the deep-seated hatred.

I think what struck me most is that so many times, in one case, I cannot remember what century or what war, one of the nations in overpowering the other basically slaughtered all the young children below 2 years old, much like King Herod did in Biblical times. In other cases they took groups into slaughterhouses, an actual butcher place, and butchered them, cutting off their legs and arms and heads and hung up the severed limbs like it was a meat locker.

Well, those memories are in these different nations. And often when they go to battle, they will go into their churches, whether it is a Catholic church or an Orthodox church or a Moslem church or some blend thereof because this is a holy war. The enemy that they are fighting has murdered their children, has murdered their grandfathers, it has been in a brutal way, and it is not going to all of a sudden be solved by a 1-year cease-fire if indeed it ever turns into a cease-fire completely, but it is not going to be solved because underneath it there are centuries of very emotional religious and ethnic conflict.

Another thing that I never really fully understood until I read that book and got some briefings is why do all of these countries fight over some of these areas?

Croatia at its peak went way down this way. Serbia at its peak came way over this way. Hungary came down, Bulgaria at its peak, Romania at its peak, Greek at its peak, the Ottoman Empire at its peak, all at one time or another claimed a bunch of this territory. When they would expand in, they would plant people from their nations to plant seeding in those different areas, so you have mixed nationalities in there to boot.

Basically to summarize the battlegrounds, every country merely wants back what they once had. It is impossible to meet that goal. It is much like the Russians saying when they were Communists that they only wanted the land next to theirs. Each of these countries want to go back to maps that overlap and which are not going to be resolved by some kind of miraculous agreement in Dayton, OH.

One other thing. In hoping to go over to Bosnia, which we instead got to stay here in Congress over the weekend which was about as bad as going over to Bosnia, that we had a luncheon where the Speaker was at as well, with the President of Montenegro and a representative from Croatia as the Speaker, Mr. TAYLOR of North Carolina asked, because we heard that it was critical, that we put backing behind this or there would be no peace agreement. You asked whether or not we could do this with air and naval power, and he basically said yes, probably could.

I asked the question in one of our briefings why we could not just do that. They first said, and I do not believe they were supposed to say this, retreated, I do not think it is classified or anything, ''Well, it's because this was an American agreement, and the European forces said since this was an American agreement that, therefore, we had to put ground troops in.''

''Wait a minute. What do you mean this is an American agreement?''

''Well, this was made in Dayton, OH. This was the American President's agreement.''

They do not think, for example, we should be rearming the Bosnian Serbs. So we are having to put ground troops in because our President brought the peace treaty process to America, it is called the Dayton line, it is an American agreement, that made us put ground troops in, not because they are essential to the peace there but they are essential to the American version of the peace because we may have needed to have some firepower behind it, which is still debatable, but we would not have necessarily had ground troops.

There is one other thing that I had learned and kind of reinforced what I had been hearing was we heard a very compelling story from people from Montenegro and it was very impressive how they were getting along and how they had taken things. Then it came around to the representative from Croatia who absolutely ripped into Montenegro how they had pillaged their museums and raped their women and so on.

And the response was, ''Yeah, but this happened before 1992,'' which showed me the intensity here even though that apparently was, if I recall correctly, a 1991 incident, that the intensity between these countries is not just going to go away because we wished it to go away and temporarily put some troops there.

I also wanted to insert a couple of articles for the RECORD and I want to read a couple of quotes from this.

I was very impressed by an op-ed article on Tuesday, November 28, by James Webb, a former Assistant Secretary of Defense under Ronald Reagan and Secretary of Navy in the Reagan administration.

He reiterates a couple of points out of the Nixon doctrine that we have apparently drifted away from not only quite frankly under this President but under our last one, that we honor all treaty commitments in responding to those who invade the lands of our allies. That is one reason that we would put our own troops in.

Second, that we provide a nuclear umbrella to the world against the threats of other nuclear powers.

The third reason would be, finally, provide weapons and technical assistance to other countries where warranted, but do not commit American forces to local conflicts.

Bosnia fits none of these. There is no NATO treaty agreement. They are not part of NATO. There is no threat of nuclear war in this situation.

Finally, it is indeed a local conflict, so maybe we provide technical assistance but we certainly do not provide ground troops.

Another point in this article, it says that we are told, and this is what I alluded to earlier in another context,

> We are told that other NATO countries will decline to send their own military forces to Bosnia unless the United States assumes a dominant role, which includes sizable combat support and naval forces backing it up. This calls to mind the decades of over-reliance by NATO members on American resources, and President Eisenhower's warning in October 1963 that the size and permanence of our military presence in Europe would, quote, continue to discourage the development of the necessary military strength Western European countries should provide for themselves.

NATO has substantially changed since there was a direct Communist threat. We have to always be on guard. Russia could be immediately another Communist power and we would be back in the Cold War. But things have changed and other nations around the world need to take more responsibility. We cannot be a policeman everywhere.

I also wanted to read a couple of quotes from Friday, December 1, Washington Times article by Thomas Sowell referring to the lapse of historic savvy by our President.

He takes a couple of quotes. For example, the President said, ''Bosnia lies at the very heart of Europe.'' Not if you know any geography. It is basically on the fringes of Europe. It is not primary in either importance or geography. It has been a place where there have been battles where other powers have chosen to get themselves involved as we are but it is hardly central to Europe in either geography or politics.

I was very disturbed, for example, when the President at the tail end of his speech made a quote that I have no doubt is accurate from the Pope which was that this century started with a war in this area and we do not want it to end with a war in this area.

□ 2100

The question is what is the best way to keep us from not having a war? I do not have a lot of confidence that quote was used in context.

If these countries are fighting among themselves, it could get very messy; for example, if Serbia loses control of

this area and moves over to here, there may be centuries of conflict between Serbia and Croatia over where this line could be, and lot of lives unnecessarily lost. If the Moslems are overrun in these areas, in a sense persecuted by either Croatia or by Serbia and flee to other nations, they could be at risk of what they could do. They could be much like the Palestinians and be wandering, searching for a place to land. It is a messy area.

But if you put Russian troops right here and American troops right here and you have a change of power in Russia and you have a conflict where this group are allies of Russia and this group, with their more Catholic tradition, are allies of the United States, you are looking at the potential for war. That is how you get into world wars, not by letting these countries fight over their battles and the terrible things that may happen to those countries but by putting two major nuclear powers right across from each other in a very tense situation in defending potential client states. That is how you get a war, and the way to avoid ending this century with a nuclear war is not by us going in there, it is by us staying out.

As Thomas Sowell points out, that first off, Yeltsin is at best lukewarm with this. Furthermore, anybody who watches the news realizes the government in Russia is not necessarily stable. Part of their challenge is they are not being aggressive enough and nationalistic enough in approaching relations with our country, that any notion that all of a sudden we are going into Bosnia because there was this peace accord is belied, as Thomas Sowell points out, that Mr. Clinton advocated such action years before the Yugoslav leaders even set foot in Dayton and even before he became President.

He is depending on us to forget what he said before. Obviously, he depends on that many weeks out of the year. In this particular case, he has advocated this policy. He has now made it come to fruition and dragging all of America along with him under the guise of something totally different. Our claim that our mission is clear and limited, to quote Thomas Sowell again, as Mr. Clinton put it, is true only if everything goes according to plan. The same would have been true in Vietnam if everything had been according to plan. We would have simply defended the existing government until they got on their feet and then pulled out.

You know, many of us and a lot of the media have asked why are so many of the freshman conservative Republicans so upset about this war. Many of us who came through the Vietnam era reacted in different ways. I was a conservative during that period, as were many others, but we did not really like how the war was being fought either. We saw a lot of our friends being killed over something where we basically abandoned later on and learned some lessons there. That is pick you fights, have a clear mission, back up your troops, do not get in situations where you are the sitting ducks, and some people say, and this is a core question and I am going to touch on this for a minute, is this like Vietnam or is this like Afghanistan or is this like Lebanon or is this like Korea?

Let me suggest, first of all, on Korea, the line in Korea does not wander around in different angles, coming back like an odd-shaped ''U'' or a ''V.'' And the reason the line in Korea held is because we went all the way up to the Chinese border. The Chinese and the North Koreans were afraid that at any time the American military might again invade North Korea or into China, therefore, they dug in behind the line to keep us from advancing. It was not an arbitrary line put on by our Government in peace negotiations.

In Vietnam, when we tried to do that, it failed.

The case, and some Marines have compared this to Lebanon, more like we are supposed peacekeeping troops, sitting down basically in valleys and mountainous regions where our guys are sitting ducks for land mines, occasional snipers and random people who have not disarmed, maybe like Lebanon. There can be a case like Afghanistan; Russia went in trying to subdue a rebellion. The rebellion had been going on between different forces for many years. Some of the troops fighting in Afghanistan are now in this area, as we learned by the CBS, I believe, TV commentator captured by some of them the other day, almost shot, that there are roaming bands in this same area of Afghanistan fighters. You see many of the logistics.

For me, since I most relate to Vietnam, it sure seems a lot like Vietnam.

I heard the President say the other night, ''My fellow Americans.'' A chill goes up my spine because many of us heard ''My fellow Americans'' once too many times already. I now, for the first time, understand how some of those liberal Democrats who I did not like at the time felt when they felt they were pulled into Vietnam under votes in their protest, and all of a sudden their patriotism was challenged because they were questioning a war they did not want to get in in the first place. We in Congress have voted three times we did not want this war.

At what point do you say, ''Look, we are elected by the American people as well; at what point is there a joint government?'' You do not have an immediate threat to the security of United States. It is not as though we have troops already in combat in threat of being killed and the President has to go in. You can argue Nixon went into Cambodia because he was protecting troops on the ground. You can do a number of arguments the President has to have flexibility. Does he have to have flexibility to start us into a potential Vietnam?

One of the things he said, partly, I think, to shore up his conservative base, if any of our people get killed, we are going to go after them with everything we have. He said that to the troops the other day as he was launching them on their mission. The question is: Is that not what happened in Vietnam? We were their to support Vietnamization, help stabilize the southern, pretty soon, 20,000 troops are not going to be able to stabilize this area, maybe we will need 38,000; someone gets killed, we will have to go up in the mountains. The guys in the mountains, particularly, Afghan Moslems and others who are going to flee into the mountains, Hitler took tons of troops until he finally gave up trying to subdue them. Pretty soon, we are up to 75,000, 100,000 not because we are trying to start a war, but because we are chasing people who killed American soldiers, and we are demanding retribution. This leads to bigger battles. This is how wars start. It is not how wars are avoided, because we are in an extremely vulnerable situation in an area that has had conflict for hundreds and hundreds of years.

I also really resented the President's comments about the Olympics in Sarajevo, talking about how peaceful it used to be. It used to be a Communist country. It was hammered together by Tito. None of us voted to elect President Clinton the new Tito. It is not his job to hammer this nation back together through the force of gunpower, which is how this nation was put together in the first place. You can have different views on Tito. Clearly, one advantage of Tito was he provided stability. That is not the mission of this U.S. Congress, this House, this Senate, or this President, to be the new Tito, and I urge our President to lose his Tito complex.

I also listened to his tortured logic to try to address why we are getting into this war. Roughly, it went like this: Europe is essential to our stability, NATO is essential to Europe, we are essential to NATO; therefore, we have to put ground troops in. First off, it does not establish the Balkans are essential to Europe. Second, he did not make a very good case that at this time Europe is essential or that Europe is threatened. Third, he did not establish that we have to have ground troops as part of NATO to be supportive of NATO.

Maybe because of the peace agreement he agreed to, there is pressure now for us to put ground troops in, but maybe we should have let the Europeans negotiate the agreement that is in Europe. Let them figure out how to do it, and we back them up rather than us being the world policeman who brings them to Dayton OH, and then has all the obligations to be the policeman of Europe. I do not think his logic worked in any way.

I also want to read a little bit of a letter that I got from Ralph Garcia. He is the chairman of my veterans' affairs advisory panel. He is president of the Vietnam Veterans' Chapter 698 in

northeast Indiana and on the State council of Vietnam veterans. He said to me that the entire group adamantly agrees that we should not send U.S. troops into Bosnia. He also said that he described, as a Vietnam veteran, as a former CIA employee, that this looks like Vietnam all over again. ''We all agree that is no clearly defined national interest. Bosnia is a European problem. Nor is there a clear, quantifiable objective or mission statement. We will have casualties. The slowing of the Bosnian war process is not worth the cost of U.S. lives or scarce fiscal resources, because peace cannot be enforced.''

I hear this most intensely from veterans in my district. As I look at what happened in Vietnam and as I look now at our young American men and women going into a war-torn land in the middle of winter, feeling doubt about going in, it has to be discouraging to them to hear us fighting among ourselves, of questioning their mission, and that is not what we are trying to do here. I honestly believe we need in this House to cut off funding now before there lives are lost.

I believe I am defending those American men and women by pushing before any of them are killed. Once the gunshots start, we have got to rally behind our troops. I understand that. I am going to fight every day up until gunshots start. Even if it is embarrassing for us to withdraw, better to have the embarrassment than to get caught in a long war with many American lives, and I believe that is defending our troops.

But what we need to remember is, just like in Vietnam where our leaders messed up and where our leaders are tripping over themselves apologizing for this and apologizing for that, it should take nothing away from those troops who go in to defend American honor, who do what they are asked to do in service of their country. We need to be supportive of them. Our leadership maybe should hang their head, but our soldiers should hold there heads up high and know they are doing what they are being asked to do and they are doing their best jobs.

When I was a student in high school at the little high school of Leo High School, and my high school class had 68 members, that shows how little the school was, we did a chain letter to those who graduated from our little school who were over in Vietnam. One of the commitments I made in my district, I hope other Members will as well, anybody who can get me the address of anybody from our region of, for that matter, Indiana, who is in Bosnia. I want to write them a personal note of support to them individually. I hope others will.

If I cannot get the Armed Services to give me who is there, I need people to let me know who is there.

Another thing we will do is we will collect letters, particularly over the Christmas season, particularly from people from northeast Indiana, to send them. If nothing else, we will give them to the Armed Forces so they can send them to the troops there. This is not a question of supporting our men and women who are serving our Nation with courage, bravery, at high risk, separated from their families. This is a question of trying to protect them, protecting our national interest, to keep us from bogging down in another war where literally there is terrible tragedy all over the world. We can go into almost every country any time. We can go into our American cities that have terrible tragedies. The question is: What is the role of our Armed Forces of the United States?

It is a travesty of justice, an embarrassment to our country, to see this President use it like it is the Arkansas State Police trying to put down rebellions all over the world. I am very disappointed at our inability in the House to bring this up to another tough vote now. We have got to cut this money. We are the last line of defense for our troops where their lives are being put at stake during this tough season. Unless we can chop off the money here in the House and try and get the Senate to go along, unless the American people will rise up and speak out and tell their Representatives they do not want their supposed peace mission to turn into a major war, it is very difficult. As I used to sit home before I ran for Congress and then I also was growing up, I used to say, ''Boy, you know, it is really frustrating being out here in Indiana, not being able to influence things and not being able to change.'' Then you come to Washington. You get in there and you see us bail out in Mexico and not be able to stop it. You hear all of this baloney about cuts and how we are gutting Medicare and gutting social security and gutting student loans, all of which are not true, and you think how can I combat this. Then you see our troops going into what I believe will be a war, and we are not able to stop it.

I do not feel a whole lot different than I did back in Indiana. Only now I am a Member of Congress. That is really a sad commentary on our political system.

I remember in reading Barry Goldwater's memoirs, talking about a conversation he had with Richard Nixon, who said he thought, after having been a House Member and a Senate Member, finally became President of the United States, he could ultimately make these decisions. What he found was he could not even get the type of pencil he wanted. Haldeman would go to the staff and say he would forget about it next week. He could not get the pencils he wanted. It is very frustrating being here, trying to change this, knowing the American people are outraged. They want a change. We are your elected Representatives. There are many of us here who are going to continue to battle, not because of any disrespect to our Armed Forces but because of great respect of our Armed Forces, because we want them to be served in the most important things, which are to defend our Nation, defend our national interests, and when it is unnecessary, to be able to spend their time with their families and have their full lives to look forward to.

LAPSE OF HISTORIC SAVVY

(By Thomas Sowell)

Bill Clinton's speech on Bosnia was an insult to the intelligence of the American people. Virtually every point made in that speech depended on being able to take advantage of ignorance, amnesia, or an inability to deal with simple logic.

''Bosnia lies at the very heart of Europe,'' said the president. That claim can be taken seriously only by those ignorant of geography. The Balkans are on the fringes of Europe, geographically and otherwise.

Sarajevo is less than 600 miles from the Bosphorous, where Asia begins. It is farther than that from Berlin or Paris, and more than a thousand miles from London.

Mr. Clinton's geographical fraud was not incidental. It was part of a whole false picture he painted, in which we must intervene in order to prevent the war in Bosnia from spilling over in the rest of Europe around it. Not only is Bosnia not in the heart of Europe, its many wars over many centuries have not spilled over into other countries.

On the contrary, it was the intervention of other countries in the Balkans that turned a local assassination in Sarajevo in 1914 into the First World War. Today, it is our intervention that risks creating another international confrontation, if Russia resumes its historic role as an ally of the Serbs.

The fact that Russian president Boris Yeltsin has gone along grudgingly with Western policy in the Balkans thus far is no guarantee that he will continue to do so, as events unfold next year—which is an election year in Russia, as well as in the United States. Moreover, either another candidate or another heart attack can take Mr. Yeltsin completely out of the picture.

There are far more belligerent Russian politicians waiting in the wings, eager to restore Russia's power and its historic role as a force backing the Serbs in the Balkans. What would we do then, with 20,000 young American soldiers as sitting ducks in Russia's backyard?

We have a huge national interest in avoiding any such situation.

We have no other national interest in that part of the world. Not one American's safety will be endangered if we stay out. Not one American's livelihood will be jeopardized.

The notion that we are going into Bosnia because of a ''peace'' accord reached recently in Dayton is falsified by the simple fact that Mr. Clinton was urging such action years before any Yugoslav leaders ever set foot in Dayton, and even before he became president. Again, Mr. Clinton is depending on our forgetfulness.

Other gambits in the president's speech include picturing the Dayton accords as some kind of achievement ''as a result of our efforts.'' Nothing has been easier than to get agreements in the Balkans—and nothing harder than getting the parties to live up to them. Calling this latest accord ''a commitment to peace'' is another reliance on amnesia.

One of the few claims with any semblance of fact or logic behind it is that, if the United States pulls out of its own commitments, this will make our word less reliable in the future. The larger question, however, is: Reliable for what purpose?

Do we want people to rely on us to run around the world engaging in these military adventures?

The need to back up the president's words with American troops cuts two ways. We can either sacrifice young lives for the sake of presidential rhetoric or the president can learn to keep his big mouth shut, in order to spare those lives until they need to be risked for something that truly threatens the American people.

If this president can't keep his mouth shut, then we need one who can.

There is a far greater danger to the people of this country from terrorists from the Balkans striking in the United States, as a result of our intervention, than from the war in that region spilling over the Atlantic Ocean. Thinly-veiled threats of this sort have already been made.

The claim that ''our mission is clear and limited,'' as Mr. Clinton put it, is true only if everything goes according to plan. The same would have been true in Vietnam if everything had gone according to plan: We would have simply defended the existing government until they got on their feet and then pulled out.

But wars that go strictly according to plan are the rare exceptions. The big question is: What is our Plan B? What if we can't put the genie back in the bottle and just get caught in the crossfire?

The haste with which the Clinton administration is getting ready to put its troops in place suggests that they will deal with that question by relying on the American tradition of supporting our soldiers, once they have been committed. In other words, Plan B is to present us with a fait accompli, so that it will be considered unpatriotic to fail to back up the president as he flounders in another quagmire.

[From the New York Times, Nov. 28, 1995]

REMEMBER THE NIXON DOCTRINE

(By James Webb)

ARLINGTON, VA.—The Clinton Administration's insistence on putting 20,000 American troops into Bosnia should be seized on by national leaders, particularly those running for President, to force a long-overdue debate on the worldwide obligations of our military.

While the Balkan factions may be immersed in their struggle, and Europeans may feel threatened by it, for Americans it represents only one of many conflicts, real and potential, whose seriousness must be weighed, often against one another, before allowing a commitment of lives, resources and national energy.

Today, despite a few half-hearted attempts such as Gen. Colin Powell's ''superior force doctrine,'' no clear set of principles exists as a touchstone for debate on these tradeoffs. Nor have any leaders of either party offered terms which provide an understandable global logic as to when our military should be committed to action. In short, we still lack a national security strategy that fits the post-cold war era.

More than ever before, the United States has become the nation of choice when crises occur, large and small. At the same time, the size and location of our military forces are in flux. It is important to make our interests known to our citizens, our allies and even our potential adversaries, not just in Bosnia but around the world, so that commitments can be measured by something other than the pressures of interest groups and manipulation by the press. Furthermore, with alliances increasingly justified by power relationships similar to those that dominated before World War I, our military must be assured that the stakes of its missions are worth dying for.

Failing to provide these assurances is to continue the unremitting case-by-case debates, hampering our foreign policy on the one hand and on the other treating our military forces in some cases as mere bargaining chips. As the past few years demonstrate, this also causes us to fritter away our national resolve while arguing about military backwaters like Somalia and Haiti.

Given the President's proposal and the failure to this point of defining American stakes in Bosnia as immediate or nation-threatening, the coming weeks will offer a new round of such debates. The President appears tempted to follow the constitutionally questionable (albeit effective) approach used by the Bush Administration in the Persian Gulf war: putting troops in an area where no American forces have been threatened and no treaties demand their presence, then gaining international agreement before placing the issue before Congress.

Mr. Clinton said their mission would be ''to supervise the separation of forces and to give them confidence that each side will live up to their agreements.'' This rationale reminds one of the ill-fated mission of the international force sent to Beirut in 1983. He has characterized the Bosnian mission as diplomatic in purpose, but promised, in his speech last night, to ''fight fire with fire and then some'' if American troops are threatened. This is a formula for confusion once a combat unit sent on a distinctly noncombat mission comes under repeated attack.

We are told that other NATO countries will decline to send their own military forces to Bosnia unless the United States assumes a dominant role, which includes sizable combat support and naval forces backing it up. This calls to mind the decades of over-reliance by NATO members on American resources, and President Eisenhower's warning in October 1963 that the size and permanence of our military presence in Europe would ''continue to discourage the development of the necessary military strength Western European countries should provide themselves.''

The Administration speaks of a ''reasonable time for withdrawal,'' which if too short might tempt the parties to wait out the so-called peacekeepers and if too long might tempt certain elements to drive them out with attacks causing high casualties.

Sorting out the Administration's answer to such hesitations will take a great deal of time, attention and emotion. And doing so in the absence of a clearly stated global policy will encourage other nations, particularly the new power centers in Asia, to view the United States as becoming less committed to addressing their own security concerns. Many of these concerns are far more serious to long-term international stability and American interests. These include the continued threat of war on the Korean peninsula, the importance of the United States as a powerbroker where historical Chinese, Japanese and Russian interests collide, and the need for military security to accompany trade and diplomacy in a dramatically changing region.

Asian cynicism gained further grist in the wake of the Administration's recent snubs of Japan: the President's cancellation of his summit meeting because of the budget crisis, and Secretary of State Warren Christopher's early return from a Japanese visit to watch over the Bosnian peace talks.

Asian leaders are becoming uneasy over an economically and militarily resurgent China that in recent years has become increasingly more aggressive. A perception that the United States is not paying attention to or is not worried about such long-term threats could in itself cause a major realignment in Asia. One cannot exclude even Japan, whose strong bilateral relationship with the United States has been severely tested of late, from this possibility.

Those who aspire to the Presidency in 1996 should use the coming debate to articulate a world view that would demonstrate to the world, as well as to Americans, an understanding of the uses and limitations—in a sense the human budgeting of our military assets.

Richard Nixon was the last President to clearly define how and when the United States would commit forces overseas. In 1969, he declared that our military policy should follow three basic tenets:

Honor all treaty commitments in responding to those who invade the lands of our allies.

Provide a nuclear umbrella to the world against the threats of other nuclear powers.

Finally, provide weapons and technical assistance to other countries where warranted, but do not commit American forces to local conflicts.

These tenets, with some modification, are still the best foundation of our world leadership. They remove the United States from local conflicts and civil wars. The use of the American military to fulfill treaty obligations requires ratification by Congress, providing a hedge against the kind of President discretion that might send forces into conflicts not in the national interest. Yet they provide clear authority for immediate action required to carry out policies that have been agreed upon by the government as a whole.

Given the changes in the world, an additional tenet would also be desirable: The United States should respond vigorously against cases of nuclear proliferation and state-sponsored terrorism.

These tenets would prevent the use of United States forces on commitments more appropriate to lesser powers while preserving our unique capabilities. Only the United States among the world's democracies can field large-scale maneuver forces, replete with strategic airlift, carrier battle groups and amphibious power projection.

Our military has no equal in countering conventional attacks on extremely short notice wherever the national interest dictates. Our bases in Japan give American forces the ability to react almost anywhere in the Pacific and Indian Oceans, just as the continued presence in Europe allows American units to react in Europe and the Middle East.

In proper form, this capability provides reassurance to potentially threatened nations everywhere. But despite the ease with which the American military seemingly operates on a daily basis, its assets are limited, as is the national willingness to put them at risk.

As the world moves toward new power centers and different security needs, it is more vital than ever that we state clearly the conditions under which American forces will be sent into harm's way. And we should be ever more chary of commitments, like the looming one in Bosnia, where combat units invite attack but are by the very nature of their mission not supposed to fight.

RULES OF PROCEDURE FOR THE COMMITTEE ON SCIENCE FOR THE 104TH CONGRESS

(Mr. WALKER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GOODLING. Mr. Speaker, pursuant to rule XI(2)(a) of the Rules of the House of Representatives, I submit for the RECORD the amended Rules Governing Procedure for the Committee on Science for the 104th Congress.

RULES GOVERNING PROCEDURE FOR THE COMMITTEE ON SCIENCE—104TH CONGRESS

GENERAL

1. The Rules of the House of Representatives, as applicable, shall govern the committee and its subcommittees, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in the committee and its subcommittees. The rules of the Committee, as applicable, shall be the rules of its subcommittees.

COMMITTEE MEETINGS

Time and place

2. Unless dispensed with by the Chairman, the meetings of the committee shall be held on the 2nd and 4th Wednesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate.

3. The Chairman of the committee may convene as necessary additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business.

4. The Chairman shall make public announcement of the date, time, place and subject matter of any of its hearings at least one week before the commencement of the hearing. If the Chairman, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly entered into the scheduling service of the House Information Systems.

5. The committee may not sit, without special leave, while the House is reading a measure for amendment under the five minute rule.

Vice chairman to preside in absence of chairman

6. The Member of the majority party of the committee or subcommittee thereof designated by the Chairman of the Full Committee shall be Vice Chairman of the committee or subcommittee as the case may be, and shall preside at any meeting during the temporary absence of the Chairman. If the Chairman and Vice Chairman of the committee or subcommittee are not present at any meeting of the committee, or subcommittee, the Ranking Member of the majority party on the committee who is present shall preside.

Order of business

7. The order of business and procedure of the committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the committee.

Membership

8. A majority of the majority Members of the committee shall determine an appropriate ratio of majority Members of each subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio for the Full Committee.

Special meetings

9. Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

COMMITTEE PROCEDURES

Quorum

10. (a) One-third of the Members of the committee shall constitute a quorum for all purposes except as provided in paragraphs (b) and (c) of this Rule.

(b) A majority of the Members of the committee shall constitute a quorum in order to: (1) report or table any legislation, measure, or matter; (2) close committee meetings or hearings pursuant to Rules 18 and 19; and (3) authorize the issuance of subpoenas pursuant to Rule 32.

(c) Two Members of the committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one Member from each of the majority and minority parties.

Proxies

11. No Member may authorize a vote by proxy with respect to any measure or matter before the committee.

Witnesses

12. The committee shall, insofar as is practicable, require each witness who is to appear before it to file twenty-four (24) hours in advance with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation to a five-minute summary of his or her statement, provided that additional time may be granted by the Chairman when appropriate.

13 Whenever any hearing is conducted by the committee on any measure or matter, the minority Members of the committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

Investigative hearing procedures

14. Rule XI 2(k) of the Rules, of the House of Representatives is hereby incorporated by reference (right of witnesses under subpoena).

Subject matter

15. Bills and other substantive matters may be taken up for consideration only when called by the Chairman of the committee or by a majority vote of a quorum of the committee, except those matters which are the subject of special-call meetings outlined in Rule 9.

16. No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the committee.

17. (a) It shall not be in order for the committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the extent practicable, a written copy of the measure or matter to be considered, has been available in the office of each Member of the committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays.

(b) Notwithstanding paragraph (a) of this Rule, consideration of any legislative measure or matter by the committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the committee is present.

Open meetings

18. Each meeting for the transaction of business, including the markup of legislation, of the committee shall be open to the public, including to radio, television, and still photography coverage, except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. No person other than Members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This Rule does not apply to open committee hearings which are provided for by Rule 19 contained herein.

19. Each hearing conducted by the committee shall be open to the public including to radio, television, and still photography coverage except when the committee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person, or otherwise would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 9, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony.

(1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(2) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this Rule for closing hearings to the public: Provided, however, that the committee or subcommittee may be the same procedure vote to close one subsequent day of the hearing.

(3) Whenever a hearing or meeting conducted by the committee is open to the public, these proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 3(f)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).

Requests for rollcall votes at full committee

20. A rollcall vote of the Members may be had at the request of three or more Members or, in the apparent absence of a quorum, by any one Member.

Automatic rollcall vote for amendments which affect the use of Federal resources

21. (a) A rollcall vote shall be automatic on any amendment which specifies the use of

Federal resources in addition to, or more explicitly (inclusively or exclusively) than that specified in the underlying text of the measure being considered.

(b) No legislative report filed by the committee on any measure or matter reported by the committee shall contain language which has the effect of specifying the use of Federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the committee during a meeting or otherwise in writing by a majority of the Members.

Committee records

22. (a) The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule XXXVI of the Rules of the House of Representatives. The Chairman shall notify the Ranking Member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any Member of the committee.

Publication of committee hearings and markups

23. The transcripts of those hearings conducted by the committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests by those Members, staff or witnesses to correct any errors other than errors in transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript. Transcripts of markups shall be recorded and published in the same manner as hearings before the committee and shall be included as part of the legislative report unless waived by the Chairman.

Opening statements; 5-minute rule

24. Insofar as is practicable, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally among Members present desiring to make an opening statement. The time any one Member may address the committee on any bill, motion or other matter under consideration by the committee or the time allowed for the questioning of a witness at hearings before the committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting Chairman. The rules of germaneness will be enforced by the Chairman.

Requests for written motions

25. Any legislative or non-procedural motion made at a regular or special meeting of the committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

SUBCOMMITTEES

Structure and jurisdiction

26. The committee shall have the following standing subcommittees with the jurisdiction indicated.

(1) SUBCOMMITTEE ON BASIC RESEARCH.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to science policy including: Office of Science and Technology Policy; all scientific research, and scientific and engineering resources (including human resources), math, science and engineering education; intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs; international scientific cooperation; National Science Foundation; university research policy, including infrastructure, overhead and partnerships; science scholarships; government-owned, contractor-operated non-military laboratories; computer, communications, and information science; earthquake and fire research programs; research and development relating to health, biomedical, and nutritional programs; to the extent appropriate, agricultural, geological, biological and life sciences research; and the Office of Technology Assessment.

(2) SUBCOMMITTEE ON ENERGY AND ENVIRONMENT.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to energy and environmental research, development, and demonstration including: Department of Energy research, development, and demonstration programs; federally owned and operated nonmilitary energy laboratories; energy supply research and development activities; nuclear and other advanced energy technologies; general science and research activities; uranium supply, enrichment, and waste management activities as appropriate; fossil energy research and development; clean coal technology; energy conservation research and development; science and risk assessment activities of the Federal Government; Environmental Protection Agency research and development programs; and National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research.

(3) SUBCOMMITTEE ON SPACE AND AERONAUTICS.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including: national space policy, including access to space; sub-orbital access applications; National Aeronautics and Space Administration and its contractor and government-operated laboratories; space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce; exploration and use of outer space; international space cooperation; National Space Council; space applications; space communications and related matters; and earth remote sensing policy.

(4) SUBCOMMITTEE ON TECHNOLOGY.—Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to competitiveness including: standards and standardization of measurement; the National Institute of Standards and Technology; the National Technical Information Service; competitiveness, including small business competitiveness; tax, antitrust, regulatory and other legal and governmental policies as they relate to technological development and commercialization; technology transfer; patent and intellectual property policy; international technology trade; research, development, and demonstration activities of the Department of Transportation; civil aviation research, development, and demonstration; research, development, and demonstration programs of the Federal Aviation Administration; surface and water transportation research, development, and demonstration programs; materials research, development, and demonstration and policy; and biotechnology policy.

Referral of legislation

27. The Chairman shall refer all legislation and other matters referred to the committee to the subcommittee or subcommittees of appropriate jurisdiction within two weeks unless, the Chairman deems consideration is to be by the Full Committee. Subcommittee chairmen may make requests for referral of specific matters to their subcommittee within the two week period if they believe subcommittee jurisdictions so warrant.

Ex-officio members

28. The Chairman and Ranking Minority Member shall serve as ex-officio Members of all subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the subcommittee.

Procedures

29. Unless waived by the Chairman, no subcommittee shall meet for markup or approval when any other subcommittee of the committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

30. Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the committee on all matters referred to it. Each subcommittee shall conduct legislative, investigative, and general oversight, inquiries for the future and forecasting, and budget impact studies on matters within their respective jurisdictions. Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

31. Any Member of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the subcommittee shall vote on any matter before such subcommittee, except as provided in Rule 28.

32. During any subcommittee proceeding for markup or approval, a rollcall vote may be had at the request of one or more Members of that subcommittee.

Power to sit and act; subpoena power

33. The committee and each of its subcommittees may exercise the powers provided under Rule XI 2(m) of the Rules of the House of Representatives, which is hereby incorporated by reference (power to sit and act; subpoena power).

National security information

34. All national security information bearing a classification of secret or higher which has been received by the committee or a subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the Full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the committee. Such procedures shall, however,

ensure access to this information by any Member of the committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

Sensitive or confidential information received pursuant to subpoena

35. Unless otherwise determined by the committee or subcommittee, certain information received by the committee or subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

REPORTS

Substance of legislative reports

36. The report of the committee on a measure which has been approved by the committee shall include the following, to be provided by the committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [Rule XI 2(l)(3)(A)];

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [Rule XI 2(l)(3)(B)];

(3) a detailed, analytical statement as to whether that enactment of such bill or joint resolution into law may have an inflationary impact on the national economy [Rule XI 2(l)(4)];

(4) with respect to each rollcall vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the committee report on the measure or matter;

(5) the estimate and comparison prepared by the committee under Rule XIII 7(a) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule 34 has been timely submitted prior to the filing of the report and included in the report [Rule XIII 7(d)];

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII 3]; and

(7) a transcript of the markup of the measure or matter unless waived under Rule 22.

37. (a) The report of the committee on a measure which has been approved by the committee shall further include the following, to be provided by sources other than the committee:

(1) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the committee [Rule XI 2(l)(3)(C)];

(2) a summary of the oversight findings and recommendations made by the Committee on Government Reform and Oversight under Rule X 2(b)(2) of the Rules of the House of Representatives, separately set out and identified [Rule XI 2(l)(3)(D)].

(b) Notwithstanding paragraph (a) of this Rule, if the committee has not received prior to the filing of the report the material required under paragraph (a) of this Rule, then it shall include a statement to that effect in the report on the measure.

Minority and additional views

38. If, at the time of approval of any measure or matter by the committee, any Member of the committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than 3 calendar days (excluding Saturday, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the committee. All such views so filed by one or more Members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under paragraph (a) of Rule 35) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a committee report unless timely requested for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

39. The Chairman of the committee or subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the committee or subcommittee, as appropriate, decides to extend the time for submission of views beyond 3 days, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

Consideration of subcommittee reports

40. Reports and recommendations of a subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman.

Timing and filing of committee reports

41. It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken the necessary steps to bring the matter to a vote.

42. The report of the committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by the majority of the Members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the Chairman of the committee notice of the filing of that request.

43. (a) Any document published by the committee as a House Report, other than a report of the committee on a measure which has been approved by the committee, shall be approved by the committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 38.

(b) Subject to paragraphs (c) and (d), the Chairman may approve the publication of any document as a committee print which in his discretion he determines to be useful for the information of the committee.

(c) Any document to be published as a committee print which purports to express the views, findings, conclusions, or recommendations of the committee or any of its subcommittees must be approved by the Full Committee or its subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(d) Any document to be published as a committee print other than a document described in paragraph (c) of this Rule: (1) shall include on its cover the following statement: ''This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;'' and (2) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

Notification to Appropriations Committee

44. No later than May 15 of each year, the Chairman shall report to the Chairman of the Committee on Appropriations any departments, agencies, or programs under the jurisdiction of the Committee on Science for which no authorization exists for the next fiscal year. The Chairman shall further report to the Chairman of the Committee on Appropriations when authorizations are subsequently enacted prior to enactment of the relevant annual appropriations bill.

Oversight

45. No later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

46. The Chairman of the committee, or of any subcommittee, shall not undertake any investigation in the name of the committee without formal approval by the Chairman of the committee after consultation with the Ranking Minority Member of the Full Committee.

Other procedures and regulations

47. During the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee, or any Member acting as such, shall suspend further proceedings after a question has been put to the Committee at any time when there is a vote by electronic device occurring in the House of Representatives.

48. The Chairman of the Full Committee, after consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE

''Rule X. Establishment and jurisdiction of standing committees

''The Committees and Their Jurisdiction.

''1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) by referred to such committees, as follows:

* * * * *

''(n) COMMITTEE ON SCIENCE.

''(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

''(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

''(3) Civil aviation research and development.

''(4) Environmental research and development.

''(5) Marine research.

''(6) Measures relating to the commercial application of energy technology.

''(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

''(8) National Aeronautics and Space Administration.

''(9) National Space Council.

''(10) National Science Foundation.

''(11) National Weather Service.

''(12) Outer space, including exploration and control thereof.

''(13) Science Scholarships.

''(14) Scientific research, development, and demonstration, and projects therefor.

''In addition to its legislative jurisdiction under the proceeding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the special oversight function provided for in clause 3(f) with respect to all nonmilitary research and development.''

SPECIAL OVERSIGHT FUNCTIONS

3.(f) The Committee on Science shall have the function of reviewing and studying, on a continuing basis, all laws, programs, and Government activities dealing with or involving nonmilitary research and development.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. FOWLER (at the request of Mr. ARMEY), for today and the balance of the week, on account of the death of her father.

Mrs. CHENOWETH (at the request of Mr. ARMEY), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. ABERCROMBIE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. COBURN) to revise and extend their remarks and include extraneous material:)

Mr. LONGLEY, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes each day, today and on December 6, 7, and 8.

Mr. HYDE, for 5 minutes, today.

Mr. GOODLING, for 5 minutes, on December 6.

Mr. MCKEON, for 5 minutes, on December 6.

Mr. SMITH of Michigan, for 5 minutes, each day, on December 6 and 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COBURN) and to include extraneous matter:)

Mr. LEWIS of California in two instances.

Mr. ROGERS.

Mr. GILMAN in three instances.

Mr. RAMSTAD.

Mr. COBLE.

Mr. DAVIS.

Mr. SHUSTER in two instances.

Mr. HEINEMAN.

Mr. FLANAGAN.

Mr. LAHOOD.

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. GEJDENSON.

Mr. LANTOS.

Mr. FOGLIETTA in two instances.

Mr. ORTIZ.

Mr. TORRES.

Mr. STARK in two instances.

Mr. YATES.

Mr. BARRETT of Wisconsin.

Mr. HAMILTON.

Mr. KENNEDY of Massachusetts in two instances.

Mr. POSHARD in two instances.

Ms. DELAURO.

Mr. GEPHARDT.

Ms. EDDIE BERNICE JOHNSON of Texas.

Mrs. COLLINS of Illinois.

Mr. MORAN.

(The following Members (at the request of Mr. SOUDER) and to include extraneous matter:)

Mr. ROHRABACHER.

Mr. NEY.

Mr. STUPAK.

Mrs. KENNELLY.

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 14 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 6, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1764. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report on the status of various savings associations, pursuant to 12 U.S.C. 1441a(k)(9); to the Committee on Banking and Financial Services.

1765. A letter from the Secretary of Education, transmitting final regulations—vocational rehabilitation service projects for American Indians with disabilities, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1766. A letter from the Secretary of Education, transmitting final regulations—William D. Ford Federal Direct Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1767. A letter from the Secretary of Education, transmitting final regulations—Client Assistance Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1768. A letter from the Secretary of Education, transmitting final regulations—Federal Family Education Loan Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1769. A letter from the Secretary of Education, transmitting final regulations—student assistance general provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

1770. A letter from the Administrator, Health Care Financing Administration, transmitting the Administration's report entitled ''Rural Health Care Transition Grant (RHCTG) program,'' pursuant to 42 U.S.C. 1395ww note; to the Committee on Commerce.

1771. A letter from the Secretary of Health and Human Services, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, and the management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1772. A letter from the Secretary of the Interior, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, together with the Secretary's report on audit follow-up, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1773. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–155, ''Closing of a Portion of G Street, N.W., and a Portion of a Public Alley in Square 454, S.O. 95–1, Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1774. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–156, ''Solid Waste Facility Permit Temporary Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1775. A letter from the Chairman, Consumer Product Safety Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1776. A letter from the Attorney General, Department of Justice, transmitting the semiannual report of the inspector general for the period April 1, 1995, through September 30, 1995, and the management report for the same period, pursuant to 5 U.S.C. app.

(Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1777. A letter from the Chairman, Merit Systems Protection Board, transmitting a copy of a statistical report on the U.S. Merit Systems Protection Board's [MSPB] cases decided in fiscal year 1994, pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform and Oversight.

1778. A letter from the Chairman, Panama Canal Commission, transmitting the semiannual report on activities of the inspector general for the period April 1, 1995, through September 30, 1995, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1779. A letter from the Chairman, Thrift Depositor Protection Oversight Board, transmitting the board's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) Sec. 5(b); to the Committee on Government Reform and Oversight.

1780. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a draft of proposed legislation entitled the ''Consular and Immigration Efficiency Act of 1995''; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Revised subdivision of budget totals for fiscal year 1996 (Rept. 104–380). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 289. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–381). Referred to the House Calendar.

Mr. DREIER: Committee on Rules. House Resolution 290. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1058) to reform Federal securities litigation, and for other purposes (Rept. 104–382). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. H.R. 1710. A bill to combat terrorism; with an amendment (Rept. 104–383). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HYDE (for himself, Mr. MCCOLLUM, Mr. SMITH of Texas, and Mr. BARR):

H.R. 2703. A bill to combat terrorism; to the Committee on the Judiciary.

By Mrs. COLLINS of Illinois (for herself and Mr. HASTERT):

H.R. 2704. A bill to provide that the U.S. Post Office building that is to be located on the 2600 block of East 75th Street in Chicago, IL, shall be known and designated as the ''Charles A. Hayes Post Office Building''; to the Committee on Government Reform and Oversight.

By Mr. FATTAH:

H.R. 2705. A bill to provide that Federal contracts and certain Federal subsidies shall be provided only to businesses which have qualified profit-sharing plans; to the Committee on Government Reform and Oversight, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LINCOLN:

H.R. 2706. A bill authorize the Secretary of the Interior to accept from a State donations of services of State employees to perform hunting management functions in a National Wildlife Refuge in a period of Government budgetary shutdown; to the Committee on Resources.

By Mr. MONTGOMERY:

H.R. 2707. A bill to amend the Internal Revenue Code of 1986 to increase the minimum amount of the State ceiling on tax-exempt private activity bonds; to the Committee on Ways and Means.

By Mr. RIGGS:

H.R. 2708. A bill to provide for character development; to the Committee on Economic and Educational Opportunities.

H.R. 2709. A bill to provide for the conveyance of certain land to the Del Norte County Unified School District of Del Norte County, CA; to the Committee on Resources.

H.R. 2710. A bill to provide for the conveyance of certain land in the State of California to the Hoopa Valley Tribe; to the Committee on Resources.

H.R. 2711. A bill to provide for the substitution of timber for the canceled Elkhorn Ridge timber sale; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGGS (for himself, Mr. DOOLITTLE, Mr. POMBO, Mr. TAYLOR of North Carolina, and Mr. RADANOVICH):

H.R. 2712. A bill to promote balance between natural resources, economic development, and job retention in northwest California, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RIGGS (for himself, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. COX, Mr. TALENT, Mr. STOCKMAN, and Mr. FLANAGAN):

H.R. 2713. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives to stimulate economic growth in depressed areas, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SANDERS (for himself, Mr. FRANK of Massachusetts, Mr. MILLER of California, Mr. YATES, Mr. GONZALEZ, Mr. OWENS, Ms. NORTON, Ms. KAPTUR, Mr. LIPINSKI, Mr. STARK, Mr. HINCHEY, Mr. CONYERS, Mr. TRAFICANT, Ms. VELÁZQUEZ, Mr. EVANS, Mr. BROWN of Ohio, Mr. DELLUMS, Mr. BROWN of California, Mr. WATT of North Carolina, Ms. RIVERS, Mrs. MINK of Hawaii, Mr. FILNER, Mr. VENTO, Mr. BONIOR, Ms. MCKINNEY, Mr. SPRATT, Mr. RAHALL, Mr. NADLER, Mr. DEFAZIO, Mr. FATTAH, Mr. HOLDEN, Mr. OLVER, Ms. BROWN of Florida, and Ms. ROYBAL-ALLARD):

H.R. 2714. A bill to require the inclusion of provisions relating to worker rights and environmental standards in any trade agreement entered into under any future trade negotiating authority; to the Committee on Ways and Means.

By Mr. TORKILDSEN (for himself, Mrs. MEYERS of Kansas, Mr. TALENT, Mr. MANZULLO, Mrs. SMITH of Washington, Mr. ZELIFF, Mr. EWING, Mr. JONES, Mr. LOBIONDO, Mr. BARTLETT of Maryland, Mr. MEEHAN, Mr. CHRYSLER, Mr. METCALF, and Mr. RAMSTAD):

H.R. 2715. A bill to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Government Reform and Oversight, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 2716. A bill to extend the provisions of the Chinese Student Protection Act of 1992 to certain aliens who entered the United States without inspection; to the Committee on the Judiciary.

By Mr. HYDE:

H.J. Res. 130. Joint resolution providing for the establishment of a Joint Committee on Intelligence; to the Committee on Rules.

By Mr. SMITH of New Jersey (for himself, Mr. GILMAN, Ms. PELOSI, Mr. WOLF, Mr. SOLOMON, Mr. LANTOS, Mr. COX, Mr. BERMAN, Mr. ROHRABACHER, and Mr. GEJDENSON):

H. Con. Res. 117. Concurrent resolution concerning writer, political philosopher, human rights advocate, and Nobel Peace Prize nominee Wei Jingsheng; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII,

182. The SPEAKER presented a memorial of the Senate of the State of Mississippi, relative to Senate Concurrent Resolution No. 547: a concurrent resolution post-ratifying amendment XIII to the Constitution of the United States prohibiting the practice of slavery within the United States except as punishment for a crime whereof the party shall have been duly convicted; and for related purposes; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Miss COLLINS of Michigan:

H.R. 2717. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade and on the Great Lakes and their tributary and connecting waters in trade with Canada for the Vessel *The Summer Wind;* to the Committee on transportation and Infrastructure.

By Mr. GILLMOR:

H.R. 2718. A bill to authorize issuance of a certificate of documentation with appropriate endorsement for the vessel *Island Star;*

to the Committee on Transportation and Infrastructure.

By Mr. TAYLOR of Mississippi:

H.R. 2719. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Courier Service;* to the Committee on Transportation and Infrastructure.

By Mr. WELDON of Florida:

H.R. 2720. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Water Front Property;* to the Committee on Transportation and Infrastructure.

By Mr. YOUNG of Florida:

H.R. 2721. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Broken Promise;* to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. GOODLATTE.

H.R. 104: Mr. HANCOCK and Mr. HOLDEN.

H.R. 123: Mr. BILIRAKIS.

H.R. 294: Mr. LEWIS of Georgia.

H.R. 357: Mr. LEVIN.

H.R. 359: Mr. MFUME.

H.R. 394: Mr. FRISA and Mr. QUILLEN.

H.R. 528: Mr. GRAHAM, Mr. BARTON of Texas, Mr. TAUZIN, Mr. MCKEON, Mr. KING, Mr. DORNAN, Mr. BUNNING of Kentucky, Mr. TALENT, Mr. DREIER, Mr. SHUSTER, Mr. COYNE, Ms. FURSE, Mrs. LINCOLN, Mr. EVANS, Mr. CRANE, and Ms. NORTON.

H.R. 820: Mr. FRANKS of New Jersey, Mrs. SEASTRAND, and Mr. BISHOP.

H.R. 885: Mr. SOLOMON, Mr. GILMAN, and Mrs. LOWEY.

H.R. 1003: Mr. ANDREWS.

H.R. 1061: Mr. KENNEDY of Rhode Island and Mr. JOHNSTON of Florida.

H.R. 1073: Mr. THORNTON, Ms. BROWN of Florida, and Mr. OBERSTAR.

H.R. 1074: Mr. OBERSTAR.

H.R. 1305: Ms. RIVERS and Mr. OWENS.

H.R. 1656: Mr. WYNN, Mr. DELLUMS, Mr. SMITH of New Jersey, Mr. ACKERMAN, Ms. BROWN of Florida, Ms. LOFGREN, and Mr. EVANS.

H.R. 1718: Mr. CLINGER, Mr. FATTAH, Mr. MASCARA, Mr. KLINK, Mr. FOX, Mr. BORSKI, Mr. MURTHA, Mr. MCHALE, Mr. ENGLISH of Pennsylvania, Mr. MCDADE, Mr. HOLDEN, Mr. COYNE, Mr. DOYLE, and Mr. GEKAS.

H.R. 1745: Ms. DUNN of Washington.

H.R. 1776: Mr. TOWNS, Mr. FRAZER, Ms. RIVERS, Mr. RUSH, Ms. BROWN of Florida, and Mr. EVANS.

H.R. 1856: Mr. OLVER, Mr. FOX, Mr. FUNDERBURK, and Mrs. JOHNSON of Connecticut.

H.R. 1883: Mr. PACKARD.

H.R. 1933: Mr. ACKERMAN.

H.R. 1972: Mr. GRAHAM, Mrs. ROUKEMA, and Mr. QUILLEN.

H.R. 1998: Mr. HAYWORTH, Mr. ALLARD, Mr. HEFLEY, Mr. KOLBE, Mr. CHRYSLER, and Mr. MCINNIS.

H.R. 2071: Ms. NORTON.

H.R. 2197: Mr. MARTINI.

H.R. 2200: Mr. STOCKMAN, Mr. MILLER of Florida, Mr. BARRETT of Nebraska, and Mr. MCKEON.

H.R. 2245: Mr. SERRANO, Mr. MCDERMOTT, and Mr. OWENS.

H.R. 2276: Mr. DOYLE and Mr. MASCARA.

H.R. 2323: Mr. GOODLING.

H.R. 2407: Mr. FROST, Mr. MORAN, Ms. ROYBAL-ALLARD, Mrs. KENNELLY, Mr. HINCHEY, Mr. FRANKS of New Jersey, and Mr. MARTINEZ.

H.R. 2433: Mr. SPRATT, Mr. OBERSTAR, Mrs. THURMAN, Mr. EMERSON, Mrs. LOWEY, Mr. FRANKS of New Jersey, Mr. DELLUMS, Ms. ROYBAL-ALLARD, Mr. BROWDER, Mr. KLECZKA, Mrs. MINK of Hawaii, and Mrs. MORELLA.

H.R. 2458: Mr. HOUGHTON, Mr. DURBIN, Ms. KAPTUR, Mr. SOUDER, and Mr. MCHUGH.

H.R. 2473: Mr. DOYLE, Mr. KLINK, and Mr. MASCARA.

H.R. 2508: Mr. MONTGOMERY.

H.R. 2531: Mr. RIGGS, Mr. BEREUTER and Mr. MANZULLO.

H.R. 2551: Mr. LEWIS of Georgia, Mr. SERRANO, Mr. ACKERMAN, and Mr. GIBBONS.

H.R. 2651: Mr. BEVILL, Mr. DEAL of Georgia, Mr. RAHALL, and Mr. LANTOS.

H.R. 2654: Mr. HOLDEN, Mr. JOHNSTON of Florida, Mr. EVANS, Ms. RIVERS, Ms. JACKSON-LEE, Ms. MCKINNEY, Mr. ACKERMAN, and Ms. DELAURO.

H.R. 2664: Mr. ACKERMAN, Mr. FATTAH, Ms. LOFGREN, Mr. MANZULLO, Mr. SAM JOHNSON, Mr. REED, Mr. PACKARD, Mr. SCHIFF, Mr. CLEMENT, Mr. BROWNBACK, Mrs. LINCOLN, Mr. JOHNSTON of Florida, and Mr. GREENWOOD.

H.R. 2676: Mr. COOLEY and Mr. COMBEST.

H.R. 2682: Mr. MCNULTY, Mr. HOUGHTON, Mrs. KELLY and Mr. SERRANO.

H.J. Res. 89: Mr. SMITH of New Jersey.

H.J. Res. 127: Mr. BARTLETT of Maryland and Mr. BILIRAKIS.

H. Con. Res. 63: Mr. TALENT, Mr. TORKILDSEN, Mr. SMITH of New Jersey, and Mr. STOCKMAN.

H. Con. Res. 100: Mr. LUCAS, Mr. SHAW, Mr. HALL of Texas, Mr. CLINGER, Mr. SKEEN, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BEREUTER, Mr. BEVILL, Mr. BILBRAY, Mr. CALLAHAN, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. HANSEN, Mr. CRAMER, Mr. DORNAN, Mrs. KELLY, Mr. KIM, Mr. KINGSTON, Mr. KLUG, Mr. MCHUGH, Mr. MANZULLO, Mrs. MYRICK, Mr. NORWOOD, Mr. PAYNE of Virginia, Mr. POMBO, Mr. RADANOVICH, Mr. RICHARDSON, Mr. SANFORD, Mr. SAXTON, Mr. SCHAEFER, Mrs. SEASTRAND, Mr. SISISKY, Mr. STEARNS, Mr. TEJEDA, Mr. THORNBERRY, Mr. TIAHRT, Mr. WHITFIELD, and Mr. WOLF.

H. Res. 285: Mrs. CLAYTON, Mr. TORKILDSEN, Mr. MFUME, Ms. PELOSI, Mr. WATTS of Oklahoma, Mr. WARD, Mr. FATTAH, Mr. FROST, Mr. BACHUS, Mr. VENTO, Mr. BALDACCI, Mr. PETERSON of Minnesota, Mr. FARR, Mr. EVERETT, Ms. LOFGREN, Mr. UNDERWOOD, Mr. FRANK of Massachusetts, Mr. FILNER, Ms. WOOLSEY, Mr. SANDERS, and Mr. CLAY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1710

OFFERED BY: MR. HYDE

AMENDMENT NO. 1: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Antiterrorism Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—CRIMINAL ACTS

SEC. 101. PROTECTION OF FEDERAL EMPLOYEES.

(a) HOMICIDE.—Section 1114 of title 18, United States Code, is amended to read as follows:

"§ 1114. Protection of officers and employees of the United States

''Whoever kills or attempts to kill any officer or employee of the United States or of any agency in any branch of the United States Government (including any member of the uniformed services) while such officer or employee is engaged in or on account of the performance of official duties, or any person assisting such an officer or employee in the performance of such duties or on account of that assistance, shall be punished, in the case of murder, as provided under section 1111, or in the case of manslaughter, as provided under section 1112, or, in the case of attempted murder or manslaughter, as provided in section 1113.''.

(b) THREATS AGAINST FORMER OFFICERS AND EMPLOYEES.—Section 115(a)(2) of title 18, United States Code, is amended by inserting '', or threatens to assault, kidnap, or murder, any person who formerly served as a person designated in paragraph (1), or'' after ''assaults, kidnaps, or murders, or attempts to kidnap or murder''.

SEC. 102. PROHIBITING MATERIAL SUPPORT TO TERRORIST ORGANIZATIONS.

(a) IN GENERAL.—That chapter 113B of title 18, United States Code, that relates to terrorism is amended by adding at the end the following:

"§ 2339B. Providing material support to terrorist organizations

''(a) OFFENSE.—Whoever, within the United States, knowingly provides material support or resources in or affecting interstate or foreign commerce, to any organization which the person knows or should have known is a terrorist organization that has been designated under section 212(a)(3)(B)(iv) of the Immigration and Nationality Act as a terrorist organization shall be fined under this title or imprisoned not more than 10 years, or both.

''(b) DEFINITION.—As used in this section, the term 'material support or resources' has the meaning given that term in section 2339A of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by adding at the end the following new item:

''2339B. Providing material support to terrorist organizations.''.

SEC. 103. MODIFICATION OF MATERIAL SUPPORT PROVISION.

Section 2339A of title 18, United States Code, is amended read as follows:

"§ 2339A. Providing material support to terrorists

''(a) OFFENSE.—Whoever, within the United States, provides material support or resources or conceals or disguises the nature, location, source, or ownership of material support or resources, knowing or intending that they are to be used in preparation for or in carrying out, a violation of section 32, 37, 351, 844(f) or (i), 956, 1114, 1116, 1203, 1361, 1363, 1751, 2280, 2281, 2332, 2332a, or 2332b of this title or section 46502 of title 49, or in preparation for or in carrying out the concealment or an escape from the commission of any such violation, shall be fined under this title, imprisoned not more than ten years, or both.

''(b) DEFINITION.—In this section, the term 'material support or resources' means currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.''.

SEC. 104. ACTS OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.

(a) OFFENSE.—Title 18, United States Code, is amended by inserting after section 2332a the following:

"§ 2332b. Acts of terrorism transcending national boundaries

''(a) PROHIBITED ACTS.—

''(1) Whoever, involving any conduct transcending national boundaries and in a circumstance described in subsection (b)—

''(A) kills, kidnaps, maims, commits an assault resulting in serious bodily injury, or assaults with a dangerous weapon any individual within the United States; or

''(B) creates a substantial risk of serious bodily injury to any other person by destroying or damaging any structure, conveyance, or other real or personal property within the United States or by attempting or conspiring to destroy or damage any structure, conveyance, or other real or personal property within the United States;

in violation of the laws of any State or the United States shall be punished as prescribed in subsection (c).

''(2) Whoever threatens to commit an offense under paragraph (1), or attempts or conspires to do so, shall be punished as prescribed in subsection (c).

''(b) JURISDICTIONAL BASES.—The circumstances referred to in subsection (a) are—

''(1) any of the offenders travels in, or uses the mail or any facility of, interstate or foreign commerce in furtherance of the offense or to escape apprehension after the commission of the offense;

''(2) the offense obstructs, delays, or affects interstate or foreign commerce, or would have so obstructed, delayed, or affected interstate or foreign commerce if the offense had been consummated;

''(3) the victim, or intended victim, is the United States Government, a member of the

uniformed services, or any official, officer, employee, or agent of the legislative, executive, or judicial branches, or of any department or agency, of the United States;

''(4) the structure, conveyance, or other real or personal property is, in whole or in part, owned, possessed, used by, or leased to the United States, or any department or agency thereof;

''(5) the offense is committed in the territorial sea (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) of the United States; or

''(6) the offense is committed in those places within the United States that are in the special maritime and territorial jurisdiction of the United States.

Jurisdiction shall exist over all principals and co-conspirators of an offense under this section, and accessories after the fact to any offense under this section, if at least one of such circumstances is applicable to at least one offender.

''(c) PENALTIES.—

''(1) Whoever violates this section shall be punished—

''(A) for a killing or if death results to any person from any other conduct prohibited by this section by death, or by imprisonment for any term of years or for life;

''(B) for kidnapping, by imprisonment for any term of years or for life;

''(C) for maiming, by imprisonment for not more than 35 years;

''(D) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years;

''(E) for destroying or damaging any structure, conveyance, or other real or personal property, by imprisonment for not more than 25 years;

''(F) for attempting or conspiring to commit an offense, for any term of years up to the maximum punishment that would have applied had the offense been completed; and

''(G) for threatening to commit an offense under this section, by imprisonment for not more than 10 years.

''(2) Notwithstanding any other provision of law, the court shall not place on probation any person convicted of a violation of this section; nor shall the term of imprisonment imposed under this section run concurrently with any other term of imprisonment.

''(d) LIMITATION ON PROSECUTION.—No indictment shall be sought nor any information filed for any offense described in this section until the Attorney General, or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions, makes a written certification that, in the judgment of the certifying official, such offense, or any activity preparatory to or meant to conceal its commission, is a Federal crime of terrorism.

''(e) PROOF REQUIREMENTS.—

''(1) The prosecution is not required to prove knowledge by any defendant of a jurisdictional base alleged in the indictment.

''(2) In a prosecution under this section that is based upon the adoption of State law, only the elements of the offense under State law, and not any provisions pertaining to criminal procedure or evidence, are adopted.

''(f) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction—

''(1) over any offense under subsection (a), including any threat, attempt, or conspiracy to commit such offense; and

''(2) over conduct which, under section 3 of this title, renders any person an accessory after the fact to an offense under subsection (a).

''(g) DEFINITIONS.—As used in this section—

''(1) the term 'conduct transcending national boundaries' means conduct occurring outside the United States in addition to the conduct occurring in the United States;

''(2) the term 'facility of interstate or foreign commerce' has the meaning given that term in section 1958(b)(2) of this title;

''(3) the term 'serious bodily injury' has the meaning prescribed in section 1365(g)(3) of this title;

''(4) the term 'territorial sea of the United States' means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law; and

''(5) the term 'Federal crime of terrorism' means an offense that—

''(A) is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

''(B) is a violation of—

''(i) section 32 (relating to destruction of aircraft or aircraft facilities), 37 (relating to violence at international airports), 81 (relating to arson within special maritime and territorial jurisdiction), 175 (relating to biological weapons), 351 (relating to congressional, cabinet, and Supreme Court assassination, kidnapping, and assault), 831 (relating to nuclear weapons), 842(m) or (n) (relating to plastic explosives), 844(e) (relating to certain bombings), 844(f) or (i) (relating to arson and bombing of certain property), 956 (relating to conspiracy to commit violent acts in foreign countries), 1114 (relating to protection of officers and employees of the United States), 1116 (relating to murder or manslaughter of foreign officials, official guests, or internationally protected persons), 1203 (relating to hostage taking), 1361 (relating to injury of Government property), 1362 (relating to destruction of communication lines), 1363 (relating to injury to buildings or property within special maritime and territorial jurisdiction of the United States), 1366 (relating to destruction of energy facility), 1751 (relating to Presidential and Presidential staff assassination, kidnapping, and assault), 2152 (relating to injury of harbor defenses), 2155 (relating to destruction of national defense materials, premises, or utilities), 2156 (relating to production of defective national defense materials, premises, or utilities), 2280 (relating to violence against maritime navigation), 2281 (relating to violence against maritime fixed platforms), 2332 (relating to certain homicides and violence outside the United States), 2332a (relating to use of weapons of mass destruction), 2332b (relating to acts of terrorism transcending national boundaries), 2339A (relating to providing material support to terrorists), 2339B (relating to providing material support to terrorist organizations), or 2340A (relating to torture) of this title;

''(ii) section 236 (relating to sabotage of nuclear facilities or fuel) of the Atomic Energy Act of 1954; or

''(iii) section 46502 (relating to aircraft piracy), or 60123(b) (relating to destruction of interstate gas or hazardous liquid pipeline facility) of title 49.

''(h) INVESTIGATIVE AUTHORITY.—In addition to any other investigatory authority with respect to violations of this title, the Attorney General shall have primary investigative responsibility for all Federal crimes of terrorism, and the Secretary of the Treasury shall assist the Attorney General at the request of the Attorney General.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the chapter 113B of title 18, United States Code, that relates to terrorism is amended by inserting after the item relating to section 2332a the following new item:

''2332b. Acts of terrorism transcending national boundaries.''.

(c) STATUTE OF LIMITATIONS AMENDMENT.—Section 3286 of title 18, United States Code, is amended by—

(1) striking ''any offense'' and inserting ''any non-capital offense'';

(2) striking ''36'' and inserting ''37'';

(3) striking ''2331'' and inserting ''2332'';

(4) striking ''2339'' and inserting ''2332a''; and

(5) inserting ''2332b (acts of terrorism transcending national boundaries),'' after ''(use of weapons of mass destruction),''.

(d) PRESUMPTIVE DETENTION.—Section 3142(e) of title 18, United States Code, is amended by inserting '', 956(a), or 2332b'' after ''section 924(c)''.

(e) CONFORMING AMENDMENT.—Section 846 of title 18, United States Code, is amended by striking ''In addition to any other'' and all that follows through the end of the section.

SEC. 105. CONSPIRACY TO HARM PEOPLE AND PROPERTY OVERSEAS.

(a) IN GENERAL.—Section 956 of chapter 45 of title 18, United States Code, is amended to read as follows:

''§ 956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country

''(a)(1) Whoever, within the jurisdiction of the United States, conspires with one or more other persons, regardless of where such other person or persons are located, to commit at any place outside the United States an act that would constitute the offense of murder, kidnapping, or maiming if committed in the special maritime and territorial jurisdiction of the United States shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be punished as provided in subsection (a)(2).

''(2) The punishment for an offense under subsection (a)(1) of this section is—

''(A) imprisonment for any term of years or for life if the offense is conspiracy to murder or kidnap; and

''(B) imprisonment for not more than 35 years if the offense is conspiracy to maim.

''(b) Whoever, within the jurisdiction of the United States, conspires with one or more persons, regardless of where such other person or persons are located, to damage or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, airport, airfield, or other public utility, public conveyance, or public structure, or any religious, educational, or cultural property so situated, shall, if any of the conspirators commits an act within the jurisdiction of the United States to effect any object of the conspiracy, be imprisoned not more than 25 years.''.

(b) CLERICAL AMENDMENT.—The item relating to section 956 in the table of sections at the beginning of chapter 45 of title 18, United States Code, is amended to read as follows:

''956. Conspiracy to kill, kidnap, maim, or injure persons or damage property in a foreign country.''.

SEC. 106. CLARIFICATION AND EXTENSION OF CRIMINAL JURISDICTION OVER CERTAIN TERRORISM OFFENSES OVERSEAS.

(a) AIRCRAFT PIRACY.—Section 46502(b) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking ''and later found in the United States'';

(2) so that paragraph (2) reads as follows:

''(2) There is jurisdiction over the offense in paragraph (1) if—

''(A) a national of the United States was aboard the aircraft;

''(B) an offender is a national of the United States; or

''(C) an offender is afterwards found in the United States.''; and

(3) by inserting after paragraph (2) the following:

''(3) For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

(b) DESTRUCTION OF AIRCRAFT OR AIRCRAFT FACILITIES.—Section 32(b) of title 18, United States Code, is amended—

(1) by striking '', if the offender is later found in the United States,''; and

(2) by inserting at the end the following the following: ''There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.''.

(c) MURDER OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 1116 of title 18, United States Code, is amended—

(1) in subsection (b), by adding at the end the following:

''(7) 'National of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''; and

(2) in subsection (c), by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(d) PROTECTION OF FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 112 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting '''national of the United States','' before ''and''; and

(2) in subsection (e), by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(e) THREATS AND EXTORTION AGAINST FOREIGN OFFICIALS AND CERTAIN OTHER PERSONS.—Section 878 of title 18, United States Code, is amended—

(1) in subsection (c), by inserting '''national of the United States','' before ''and''; and

(2) in subsection (d), by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''.

(f) KIDNAPPING OF INTERNATIONALLY PROTECTED PERSONS.—Section 1201(e) of title 18, United States Code, is amended—

(1) by striking the first sentence and inserting the following: ''If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States.''; and

(2) by adding at the end the following: ''For purposes of this subsection, the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

(g) VIOLENCE AT INTERNATIONAL AIRPORTS.—Section 37(b)(2) of title 18, United States Code, is amended—

(1) by inserting ''(A)'' before ''the offender is later found in the United States''; and

(2) by inserting ''; or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)))'' after ''the offender is later found in the United States''.

(h) BIOLOGICAL WEAPONS.—Section 178 of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding the following at the end:

''(5) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).''.

SEC. 107. EXPANSION AND MODIFICATION OF WEAPONS OF MASS DESTRUCTION STATUTE.

Section 2332a of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting ''AGAINST A NATIONAL OR WITHIN THE UNITED STATES'' after ''OFFENSE'';

(B) by inserting '', without lawful authority'' after ''A person who'';

(C) by inserting ''threatens,'' before ''attempts or conspires to use, a weapon of mass destruction''; and

(D) by inserting ''and the results of such use affect interstate or foreign commerce or, in the case of a threat, attempt, or conspiracy, would have affected interstate or foreign commerce'' before the semicolon at the end of paragraph (2);

(2) in subsection (b)(2)(A), by striking ''section 921'' and inserting ''section 921(a)(4) (other than subparagraphs (B) and (C))'';

(3) in subsection (b), so that subparagraph (B) of paragraph (2) reads as follows:

''(B) any weapon that is designed to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;'';

(4) by redesignating subsection (b) as subsection (c); and

(5) by inserting after subsection (a) the following new subsection:

''(b) OFFENSE BY NATIONAL OUTSIDE THE UNITED STATES.—Any national of the United States who, without lawful authority and outside the United States, uses, or threatens, attempts, or conspires to use, a weapon of mass destruction shall be imprisoned for any term of years or for life, and if death results, shall be punished by death, or by imprisonment for any term of years or for life.''.

SEC. 108. ADDITION OF OFFENSES TO THE MONEY LAUNDERING STATUTE.

(a) MURDER AND DESTRUCTION OF PROPERTY.—Section 1956(c)(7)(B)(ii) of title 18, United States Code, is amended by striking ''or extortion;'' and inserting ''extortion, murder, or destruction of property by means of explosive or fire;''.

(b) SPECIFIC OFFENSES.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting after ''an offense under'' the following: ''section 32 (relating to the destruction of aircraft), section 37 (relating to violence at international airports), section 115 (relating to influencing, impeding, or retaliating against a Federal official by threatening or injuring a family member),'';

(2) by inserting after ''section 215 (relating to commissions or gifts for procuring loans),'' the following: ''section 351 (relating to Congressional or Cabinet officer assassination),'';

(3) by inserting after ''section 793, 794, or 798 (relating to espionage),'' the following: ''section 831 (relating to prohibited transactions involving nuclear materials), section 844 (f) or (i) (relating to destruction by explosives or fire of Government property or property affecting interstate or foreign commerce),'';

(4) by inserting after ''section 875 (relating to interstate communications),'' the following: ''section 956 (relating to conspiracy to kill, kidnap, maim, or injure certain property in a foreign country),'';

(5) by inserting after ''1032 (relating to concealment of assets from conservator, receiver, or liquidating agent of financial institution),'' the following: ''section 1111 (relating to murder), section 1114 (relating to protection of officers and employees of the United States), section 1116 (relating to murder of foreign officials, official guests, or internationally protected persons),'';

(6) by inserting after ''section 1203 (relating to hostage taking),'' the following: ''section 1361 (relating to willful injury of Government property), section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),'';

(7) by inserting after ''section 1708 (theft from the mail),'' the following: ''section 1751 (relating to Presidential assassination),'';

(8) by inserting after ''2114 (relating to bank and postal robbery and theft),'' the following: ''section 2280 (relating to violence against maritime navigation), section 2281 (relating to violence against maritime fixed platforms),''; and

(9) by striking ''of this title'' and inserting the following: ''section 2332 (relating to terrorist acts abroad against United States nationals), section 2332a (relating to use of weapons of mass destruction), section 2332b (relating to international terrorist acts transcending national boundaries), section 2339A (relating to providing material support to terrorists) of this title, section 46502 of title 49, United States Code''.

SEC. 109. EXPANSION OF FEDERAL JURISDICTION OVER BOMB THREATS.

Section 844(e) of title 18, United States Code, is amended by striking ''commerce,'' and inserting ''interstate or foreign commerce, or in or affecting interstate or foreign commerce,''.

SEC. 110. CLARIFICATION OF MARITIME VIOLENCE JURISDICTION.

Section 2280(b)(1)(A) of title 18, United States Code, is amended—

(1) in clause (ii), by striking ''and the activity is not prohibited as a crime by the State in which the activity takes place''; and

(2) in clause (iii), by striking ''the activity takes place on a ship flying the flag of a foreign country or outside the United States,''.

SEC. 111. POSSESSION OF STOLEN EXPLOSIVES PROHIBITED.

Section 842(h) of title 18, United States Code, is amended to read as follows:

''(h) It shall be unlawful for any person to receive, possess, transport, ship, conceal, store, barter, sell, dispose of, or pledge or accept as security for a loan, any stolen explosive materials which are moving as, which are part of, which constitute, or which have been shipped or transported in, interstate or foreign commerce, either before or after such materials were stolen, knowing or having

reasonable cause to believe that the explosive materials were stolen.''.

SEC. 112. STUDY TO DETERMINE STANDARDS FOR DETERMINING WHAT AMMUNITION IS CAPABLE OF PENETRATING POLICE BODY ARMOR.

The National Institute of Justice is directed to perform a study of, and to recommend to Congress, a methodology for determining what ammunition, designed for handguns, is capable of penetrating police body armor. Not later than 6 months after the date of the enactment of this Act, the National Institute of Justice shall report to Congress the results of such study and such recommendations.

TITLE II—INCREASED PENALTIES

SEC. 201. MANDATORY MINIMUM FOR CERTAIN EXPLOSIVES OFFENSES.

(a) INCREASED PENALTIES FOR DAMAGING CERTAIN PROPERTY.—Section 844(f) of title 18, United States Code, is amended to read as follows:

''(f) Whoever damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any personal or real property in whole or in part owned, possessed, or used by, or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance shall be fined under this title or imprisoned for not more than 25 years, or both, but—

''(1) if personal injury results to any person other than the offender, the term of imprisonment shall be not more than 40 years;

''(2) if fire or an explosive is used and its use creates a substantial risk of serious bodily injury to any person other than the offender, the term of imprisonment shall not be less than 20 years; and

''(3) if death results to any person other than the offender, the offender shall be subject to the death penalty or imprisonment for any term of years not less than 30, or for life.''.

(b) CONFORMING AMENDMENT.—Section 81 of title 18, United States Code, is amended by striking ''fined under this title or imprisoned not more than five years, or both'' and inserting ''imprisoned not more than 25 years or fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both''.

(c) STATUTE OF LIMITATION FOR ARSON OFFENSES.—

(1) Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

''§ 3295. Arson offenses

''No person shall be prosecuted, tried, or punished for any non-capital offense under section 81 or subsection (f), (h), or (i) of section 844 of this title unless the indictment is found or the information is instituted within 7 years after the date on which the offense was committed.''.

(2) The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following new item:

''3295. Arson offenses.''.

(3) Section 844(i) of title 18, United States Code, is amended by striking the last sentence.

SEC. 202. INCREASED PENALTY FOR EXPLOSIVE CONSPIRACIES.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

''(n) Except as otherwise provided in this section, a person who conspires to commit any offense defined in this chapter shall be subject to the same penalties (other than the penalty of death) as those prescribed for the offense the commission of which was the object of the conspiracy.''.

SEC. 203. INCREASED AND ALTERNATE CONSPIRACY PENALTIES FOR TERRORISM OFFENSES.

(a) TITLE 18 OFFENSES.—

(1) Sections 32(a)(7), 32(b)(4), 37(a), 115(a)(1)(A), 115(a)(2), 1203(a), 2280(a)(1)(H), and 2281(a)(1)(F) of title 18, United States Code, are each amended by inserting ''or conspires'' after ''attempts''.

(2) Section 115(b)(2) of title 18, United States Code, is amended by striking ''or attempted kidnapping'' both places it appears and inserting '', attempted kidnapping, or conspiracy to kidnap''.

(3)(A) Section 115(b)(3) of title 18, United States Code, is amended by striking ''or attempted murder'' and inserting '', attempted murder, or conspiracy to murder''.

(B) Section 115(b)(3) of title 18, United States Code, is amended by striking ''and 1113'' and inserting '', 1113, and 1117''.

(4) Section 175(a) of title 18, United States Code, is amended by inserting ''or conspires to do so,'' after ''any organization to do so,''.

(b) AIRCRAFT PIRACY.—

(1) Section 46502(a)(2) of title 49, United States Code, is amended by inserting ''or conspiring'' after ''attempting''.

(2) Section 46502(b)(1) of title 49, United States Code, is amended by inserting ''or conspiring to commit'' after ''committing''.

SEC. 204. MANDATORY PENALTY FOR TRANSFERRING A FIREARM KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 924(h) of title 18, United States Code, is amended—

(1) by inserting ''or having reasonable cause to believe'' after ''knowing''; and

(2) by striking ''imprisoned not more than 10 years, fined in accordance with this title, or both.'' and inserting ''subject to the same penalties as may be imposed under subsection (c) for a first conviction for the use or carrying of the firearm.''.

SEC. 205. MANDATORY PENALTY FOR TRANSFERRING AN EXPLOSIVE MATERIAL KNOWING THAT IT WILL BE USED TO COMMIT A CRIME OF VIOLENCE.

Section 844 of title 18, United States Code, is amended by adding at the end the following:

''(o) Whoever knowingly transfers any explosive materials, knowing or having reasonable cause to believe that such explosive materials will be used to commit a crime of violence (as defined in section 924(c)(3) of this title) or drug trafficking crime (as defined in section 924(c)(2) of this title) shall be subject to the same penalties as may be imposed under subsection (h) for a first conviction for the use or carrying of the explosive materials.''.

SEC. 206. DIRECTIONS TO SENTENCING COMMISSION.

The United States Sentencing Commission shall forthwith, in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that section had not expired, amend the sentencing guidelines so that the chapter 3 adjustment relating to international terrorism only applies to Federal crimes of terrorism, as defined in section 2332b(g) of title 18, United States Code.

TITLE III—INVESTIGATIVE TOOLS

SEC. 301. PEN REGISTERS AND TRAP AND TRACE DEVICES IN FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS.

(a) APPLICATION.—Section 3122(b)(2) of title 18, United States Code, is amended by inserting ''or foreign counterintelligence'' after ''criminal''.

(b) ORDER.—

(1) Section 3123(a) of title 18, United States Code, is amended by inserting ''or foreign counterintelligence'' after ''criminal''.

(2) Section 3123(b)(1) of title 18, United States Code, is amended in subparagraph (B), by striking ''criminal''.

SEC. 302. DISCLOSURE OF CERTAIN CONSUMER REPORTS TO THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623 the following:

''SEC. 624. DISCLOSURES TO THE FEDERAL BUREAU OF INVESTIGATION FOR FOREIGN COUNTERINTELLIGENCE PURPOSES.

''(a) IDENTITY OF FINANCIAL INSTITUTIONS.—(1) Notwithstanding section 604 or any other provision of this title, a court or magistrate judge may issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing a consumer reporting agency to furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency. The court or magistrate judge shall issue the order if the court or magistrate judge finds, that—

''(A) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

''(B) there are specific and articulable facts giving reason to believe that the consumer—

''(i) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

''(ii) is an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

''(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

''(b) IDENTIFYING INFORMATION.—(1) Notwithstanding section 604 or any other provision of this title, a court or magistrate judge shall issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing a consumer reporting agency to furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation. The court or magistrate judge shall issue the order if the court or magistrate judge finds, that—

''(A) such information is necessary to the conduct of an authorized foreign counterintelligence investigation; and

''(B) there is information giving reason to believe that the consumer has been, or is, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

''(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

''(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—(1) Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be

no lower than Assistant Special Agent in Charge), a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, after the court or magistrate finds, in a proceeding in camera, that—

''(A) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

''(B) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

''(i) is an agent of a foreign power; and

''(ii) is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

''(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

''(d) CONFIDENTIALITY.—(1) No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c).

''(2) No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

''(e) PAYMENT OF FEES.—The Federal Bureau of Investigation is authorized, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing reports or information in accordance with procedures established under this section, a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

''(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except—

''(1) to the Department of Justice or any other law enforcement agency, as may be necessary for the approval or conduct of a foreign counterintelligence investigation; or

''(2) where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

''(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, or in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.

''(h) REPORTS TO CONGRESS.—On an annual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking and Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

''(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to any person harmed by the violation in an amount equal to the sum of—

''(1) $100, without regard to the volume of consumer reports, records, or information involved;

''(2) any actual damages sustained by the person harmed as a result of the disclosure;

''(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

''(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

''(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

''(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State notwithstanding.

''(l) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681a et seq.) is amended by adding after the item relating to section 623 the following new item:

''624. Disclosures to the Federal Bureau of Investigation for foreign counterintelligence purposes.''.

SEC. 303. DISCLOSURE OF BUSINESS RECORDS HELD BY THIRD PARTIES IN FOREIGN COUNTERINTELLIGENCE CASES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 121 the following:

''CHAPTER 122—ACCESS TO CERTAIN RECORDS

''Sec.

''2720. Disclosure of business records held by third parties in foreign counterintelligence cases.

''§ 2720. Disclosure of business records held by third parties in foreign counterintelligence cases

''(a)(1) A court or magistrate judge may issue an order ex parte, upon application by the Director of the Federal Bureau of Investigation (or the Director's designee, whose rank shall be no lower than Assistant Special Agent in Charge), directing any common carrier, public accommodation facility, physical storage facility, or vehicle rental facility to furnish any records in its possession to the Federal Bureau of Investigation. The court or magistrate judge shall issue the order if the court or magistrate judge finds that—

''(A) such records are necessary for counter-terrorism or foreign counterintelligence purposes; and

''(B) there are specific and articulable facts giving reason to believe that the person to whom the records pertain is—

''(i) a foreign power; or

''(ii) an agent of a foreign power and is engaging or has engaged in international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

''(2) An order issued under this subsection shall not disclose that it is issued for purposes of a counterintelligence investigation.

''(b) No common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, or any officer, employee, or agent of such common carrier, public accommodation facility, physical storage facility, or vehicle rental facility, shall disclose to any person, other than those officers, agents, or employees of the common carrier, public accommodation facility, physical storage facility, or vehicle rental facility necessary to fulfill the requirement to disclose the information to the Federal Bureau of Investigation under this section.

''(c)(1) The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside the Federal Bureau of Investigation, except—

''(A) to the Department of Justice or any other law enforcement agency, as may be necessary for the approval or conduct of a foreign counterintelligence investigation; or

''(B) where the information concerns a person subject to the Uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

''(2) Any agency or department of the United States obtaining or disclosing any information in violation of this paragraph shall be liable to any person harmed by the violation in an amount equal to the sum of—

''(A) $100 without regard to the volume of information involved;

''(B) any actual damages sustained by the person harmed as a result of the violation;

''(C) if the violation is willful or intentional, such punitive damages as a court may allow; and

''(D) in the case of any successful action to enforce liability under this paragraph, the costs of the action, together with reasonable attorney fees, as determined by the court.

''(d) If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

''(e) As used in this section—

''(1) the term 'common carrier' means a locomotive, rail carrier, bus carrying passengers, water common carrier, air common carrier, or private commercial interstate

carrier for the delivery of packages and other objects;

''(2) the term 'public accommodation facility' means any inn, hotel, motel, or other establishment that provides lodging to transient guests;

''(3) the term 'physical storage facility' means any business or entity that provides space for the storage of goods or materials, or services related to the storage of goods or materials, to the public or any segment thereof; and

''(4) the term 'vehicle rental facility' means any person or entity that provides vehicles for rent, lease, loan, or other similar use, to the public or any segment thereof.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 121 the following new item:

''122. Access to certain records ..... 2720''.

SEC. 304. STUDY OF TAGGING EXPLOSIVE MATERIALS, DETECTION OF EXPLOSIVES AND EXPLOSIVE MATERIALS, RENDERING EXPLOSIVE COMPONENTS INERT, AND IMPOSING CONTROLS OF PRECURSORS OF EXPLOSIVES.

(a) STUDY.—The Attorney General, in consultation with other Federal, State and local officials with expertise in this area and such other individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the tagging of explosive materials for purposes of detection and identification;

(2) technology for devices to improve the detection of explosives materials;

(3) whether common chemicals used to manufacture explosive materials can be rendered inert and whether it is feasible to require it; and

(4) whether controls can be imposed on certain precursor chemicals used to manufacture explosive materials and whether it is feasible to require it.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section. The Attorney General shall make the report available to the public.

SEC. 305. APPLICATION OF STATUTORY EXCLUSIONARY RULE CONCERNING INTERCEPTED WIRE OR ORAL COMMUNICATIONS.

Section 2515 of title 18, United States Code, is amended by adding at the end the following: ''This section shall not apply to the disclosure by the United States in a criminal trial or hearing or before a grand jury of the contents of a wire or oral communication, or evidence derived therefrom, if any law enforcement officers who intercepted the communication or gathered the evidence derived therefrom acted with the reasonably objective belief that their actions were in compliance with this chapter.''.

SEC. 306. EXCLUSION OF CERTAIN TYPES OF INFORMATION FROM WIRETAP-RELATED DEFINITIONS.

(a) DEFINITION OF ''ELECTRONIC COMMUNICATION''.—Section 2510(12) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of subparagraph (B);

(2) by inserting ''or'' at the end of subparagraph (C); and

(3) by adding a new subparagraph (D), as follows:

''(D) information stored in a communications system used for the electronic storage and transfer of funds;''

(b) DEFINITION OF ''READILY ACCESSIBLE TO THE GENERAL PUBLIC''.—Section 2510(16) of title 18, United States Code, is amended—

(1) by inserting ''or'' at the end of subparagraph (D);

(2) by striking ''or'' at the end of subparagraph (E); and

(3) by striking subparagraph (F).

SEC. 307. ACCESS TO TELEPHONE BILLING RECORDS.

(a) SECTION 2709.—Section 2709(b) of title 18, United States Code, is amended—

(1) in paragraph (1)(A), by inserting ''local and long distance'' before ''toll billing records'';

(2) by striking ''and'' at the end of paragraph (1);

(3) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(4) by adding at the end a new paragraph (3), as follows:

''(3) request the name, address, length of service, and local and long distance toll billing records of a person or entity if the Director or the Director's designee (in a position not lower than Deputy Assistant Director) certifies in writing to the wire or electronic communication service provider to which the request is made that the information sought is relevant to an authorized international terrorism investigation (as defined in section 2331 of this title).''.

(b) SECTION 2703.—Section 2703(c)(1)(C) of title 18, United States Code, is amended by inserting ''local and long distance'' before ''telephone toll billing records''.

(c) CIVIL REMEDY.—Section 2707 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''customer'' and inserting ''any other person'';

(2) in subsection (c), inserting before the period at the end the following: '', and if the violation is willful or intentional, such punitive damages as the court may allow, and, in the case of any successful action to enforce liability under this section, the costs of the action, together with reasonable attorney fees, as determined by the court''; and

(3) by adding at the end the following:

''(f) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated this chapter and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.''.

SEC. 308. REQUIREMENT TO PRESERVE RECORD EVIDENCE.

Section 2703 of title 18, United States Code, is amended by adding at the end the following:

''(f) REQUIREMENT TO PRESERVE EVIDENCE.—A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records, and other evidence in its possession pending the issuance of a court order or other process. Such records shall be retained for a period of 90 days, which period shall be extended for an additional 90-day period upon a renewed request by the governmental entity.''.

SEC. 309. DETENTION HEARING.

Section 3142(f) of title 18, United States Code, is amended by inserting ''(not including any intermediate Saturday, Sunday, or legal holiday)'' after ''five days'' and after ''three days''.

SEC. 310. REWARD AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Title 18, United States Code, is amended by striking sections 3059 through 3059A and inserting the following:

''§ 3059. Reward authority of the Attorney General

''(a) The Attorney General may pay rewards and receive from any department or agency, funds for the payment of rewards under this section, to any individual who provides any information unknown to the Government leading to the arrest or prosecution of any individual for Federal felony offenses.

''(b) If the reward exceeds $100,000, the Attorney General shall give notice of that fact to the Senate and the House of Representatives not later than 30 days before authorizing the payment of the reward.

''(c) A determination made by the Attorney General as to whether to authorize an award under this section and as to the amount of any reward authorized shall not be subject to judicial review.

''(d) If the Attorney General determines that the identity of the recipient of a reward or of the members of the recipient's immediate family must be protected, the Attorney General may take such measures in connection with the payment of the reward as the Attorney General deems necessary to effect such protection.

''(e) No officer or employee of any governmental entity may receive a reward under this section for conduct in performance of his or her official duties.

''(f) Any individual (and the immediate family of such individual) who furnishes information which would justify a reward under this section or a reward by the Secretary of State under section 36 of the State Department Basic Authorities Act of 1956 may, in the discretion of the Attorney General, participate in the Attorney General's witness security program under chapter 224 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 203 of title 18, United States Code, is amended by striking the items relating to section 3059 and 3059A and inserting the following new item:

''3059. Reward authority of the Attorney General.''.

(c) CONFORMING AMENDMENT.—Section 1751 of title 18, United States Code, is amended by striking subsection (g).

SEC. 311. PROTECTION OF FEDERAL GOVERNMENT BUILDINGS IN THE DISTRICT OF COLUMBIA.

The Attorney General is authorized—

(1) to prohibit vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia which is in whole or in part owned, possessed, used by, or leased to the Federal Government and used by Federal law enforcement authorities; and

(2) to prohibit any person or entity from conducting business on any property immediately adjacent to any such building.

SEC. 312. STUDY OF THEFTS FROM ARMORIES; REPORT TO THE CONGRESS.

(a) STUDY.—The Attorney General of the United States shall conduct a study of the extent of thefts from military arsenals (including National Guard armories) of firearms, explosives, and other materials that are potentially useful to terrorists.

(b) REPORT TO THE CONGRESS.—Within 6 months after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report on the study required by subsection (a).

TITLE IV—NUCLEAR MATERIALS

SEC. 401. EXPANSION OF NUCLEAR MATERIALS PROHIBITIONS.

Section 831 of title 18, United States Code, is amended—

(1) in subsection (a), by striking ''nuclear material'' each place it appears and inserting ''nuclear material or nuclear byproduct material'';

(2) in subsection (a)(1)(A), by inserting ''or the environment'' after ''property'';

(3) so that subsection (a)(1)(B) reads as follows:

''(B)(i) circumstances exist which are likely to cause the death of or serious bodily injury to any person or substantial damage to property or the environment; or (ii) such circumstances are represented to the defendant to exist;'';

(4) in subsection (a)(6), by inserting ''or the environment'' after ''property'';

(5) so that subsection (c)(2) reads as follows:

''(2) an offender or a victim is a national of the United States or a United States corporation or other legal entity;'';

(6) in subsection (c)(3), by striking ''at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and'';

(7) by striking ''or'' at the end of subsection (c)(3);

(8) in subsection (c)(4), by striking ''nuclear material for peaceful purposes'' and inserting ''nuclear material or nuclear byproduct material'';

(9) by striking the period at the end of subsection (c)(4) and inserting ''; or'';

(10) by adding at the end of subsection (c) the following:

''(5) the governmental entity under subsection (a)(5) is the United States or the threat under subsection (a)(6) is directed at the United States.'';

(11) in subsection (f)(1)(A), by striking ''with an isotopic concentration not in excess of 80 percent plutonium 238'';

(12) in subsection (f)(1)(C) by inserting ''enriched uranium, defined as'' before ''uranium'';

(13) in subsection (f), by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(14) by inserting after subsection (f)(1) the following:

''(2) the term 'nuclear byproduct material' means any material containing any radioactive isotope created through an irradiation process in the operation of a nuclear reactor or accelerator;'';

(15) by striking ''and'' at the end of subsection (f)(4), as redesignated;

(16) by striking the period at the end of subsection (f)(5), as redesignated, and inserting a semicolon; and

(17) by adding at the end of subsection (f) the following:

''(6) the term 'national of the United States' has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)); and

''(7) the term 'United States corporation or other legal entity' means any corporation or other entity organized under the laws of the United States or any State, district, commonwealth, territory or possession of the United States.''.

TITLE V—CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES

SEC. 501. DEFINITIONS.

Section 841 of title 18, United States Code, is amended by adding at the end the following:

''(o) 'Convention on the Marking of Plastic Explosives' means the Convention on the Marking of Plastic Explosives for the Purpose of Detection, Done at Montreal on 1 March 1991.

''(p) 'Detection agent' means any one of the substances specified in this subsection when introduced into a plastic explosive or formulated in such explosive as a part of the manufacturing process in such a manner as to achieve homogeneous distribution in the finished explosive, including—

''(1) Ethylene glycol dinitrate (EGDN), $C_2H_4(NO_3)_2$, molecular weight 152, when the minimum concentration in the finished explosive is 0.2 percent by mass;

''(2) 2,3-Dimethyl-2,3-dinitrobutane (DMNB), $C_6H_{12}(NO_2)_2$, molecular weight 176, when the minimum concentration in the finished explosive is 0.1 percent by mass;

''(3) Para-Mononitrotoluene (p-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass;

''(4) Ortho-Mononitrotoluene (o-MNT), $C_7H_7NO_2$, molecular weight 137, when the minimum concentration in the finished explosive is 0.5 percent by mass; and

''(5) any other substance in the concentration specified by the Secretary, after consultation with the Secretary of State and the Secretary of Defense, which has been added to the table in part 2 of the Technical Annex to the Convention on the Marking of Plastic Explosives.

''(q) 'Plastic explosive' means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form have a vapor pressure less than 10^{-4} Pa at a temperature of 25°C., is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature.''.

SEC. 502. REQUIREMENT OF DETECTION AGENTS FOR PLASTIC EXPLOSIVES.

Section 842 of title 18, United States Code, is amended by adding at the end the following:

''(l) It shall be unlawful for any person to manufacture any plastic explosive which does not contain a detection agent.

''(m)(1) it shall be unlawful for any person to import or bring into the United States, or export from the United States, any plastic explosive which does not contain a detection agent.

''(2) Until the 15-year period that begins with the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the importation or bringing into the United States, or the exportation from the United States, of any plastic explosive which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing military or police functions (including any military Reserve component) or by or on behalf of the National Guard of any State.

''(n)(1) It shall be unlawful for any person to ship, transport, transfer, receive, or possess any plastic explosive which does not contain a detection agent.

''(2)(A) During the 3-year period that begins on the effective date of this subsection, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before such effective date by any person.

''(B) Until the 15-year period that begins on the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States has expired, paragraph (1) shall not apply to the shipment, transportation, transfer, receipt, or possession of any plastic explosive, which was imported, brought into, or manufactured in the United States before the effective date of this subsection by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State.

''(o) It shall be unlawful for any person, other than an agency of the United States (including any military reserve component) or the National Guard of any State, possessing any plastic explosive on the effective date of this subsection, to fail to report to the Secretary within 120 days after the effective date of this subsection the quantity of such explosives possessed, the manufacturer or importer, any marks of identification on such explosives, and such other information as the Secretary may by regulations prescribe.''.

SEC. 503. CRIMINAL SANCTIONS.

Section 844(a) of title 18, United States Code, is amended to read as follows:

''(a) Any person who violates subsections (a) through (i) or (l) through (o) of section 842 of this title shall be fined under this title, imprisoned not more than 10 years, or both.''.

SEC. 504. EXCEPTIONS.

Section 845 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''(l), (m), (n), or (o) of section 842 and subsections'' after ''subsections'';

(2) in subsection (a)(1), by inserting ''and which pertains to safety'' before the semicolon; and

(3) by adding at the end the following:

''(c) It is an affirmative defense against any proceeding involving subsection (l), (m), (n), or (o) of section 842 of this title if the proponent proves by a preponderance of the evidence that the plastic explosive—

''(1) consisted of a small amount of plastic explosive intended for and utilized solely in lawful—

''(A) research, development, or testing of new or modified explosive materials;

''(B) training in explosives detection or development or testing of explosives detection equipment; or

''(C) forensic science purposes; or

''(2) was plastic explosive which, within 3 years after the effective date of this paragraph, will be or is incorporated in a military device within the territory of the United States and remains an integral part of such military device, or is intended to be, or is incorporated in, and remains an integral part of a military device that is intended to become, or has become, the property of any agency of the United States performing military or police functions (including any military reserve component) or the National Guard of any State, wherever such device is located. For purposes of this subsection, the term 'military device' includes shells, bombs, projectiles, mines, missiles, rockets, shaped charges, grenades, perforators, and similar devices lawfully manufactured exclusively for military or police purposes.''.

SEC. 505. EFFECTIVE DATE.

The amendments made by this title shall take effect 1 year after the date of the enactment of this Act.

TITLE VI—IMMIGRATION-RELATED PROVISIONS

Subtitle A—Removal of Alien Terrorists

PART 1—REMOVAL PROCEDURES FOR ALIEN TERRORISTS

SEC. 601. REMOVAL PROCEDURES FOR ALIEN TERRORISTS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended—

(1) by adding at the end of the table of contents the following:

''Sec. 507. Appeals.
''Sec. 508. Detention and custody.'';

and

(2) by adding at the end the following new title:

''TITLE V—SPECIAL REMOVAL PROCEDURES FOR ALIEN TERRORISTS

''DEFINITIONS

''SEC. 501. In this title:

''(1) The term 'alien terrorist' means an alien described in section 241(a)(4)(B).

''(2) The term 'classified information' has the meaning given such term in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.).

''(3) The term 'national security' has the meaning given such term in section 1(b) of the Classified Information Procedures Act (18 U.S.C. App.).

''(4) The term 'special attorney' means an attorney who is on the panel established under section 502(e).

''(5) The term 'special removal court' means the court established under section 502(a).

''(6) The term 'special removal hearing' means a hearing under section 505.

''(7) The term 'special removal proceeding' means a proceeding under this title.

''ESTABLISHMENT OF SPECIAL REMOVAL COURT; PANEL OF ATTORNEYS TO ASSIST WITH CLASSIFIED INFORMATION

''SEC. 502. (a) IN GENERAL.—The Chief Justice of the United States shall publicly designate 5 district court judges from 5 of the United States judicial circuits who shall constitute a court which shall have jurisdiction to conduct all special removal proceedings.

''(b) TERMS.—Each judge designated under subsection (a) shall serve for a term of 5 years and shall be eligible for redesignation, except that the four associate judges first so designated shall be designated for terms of one, two, three, and four years so that the term of one judge shall expire each year.

''(c) CHIEF JUDGE.—The Chief Justice shall publicly designate one of the judges of the special removal court to be the chief judge of the court. The chief judge shall promulgate rules to facilitate the functioning of the court and shall be responsible for assigning the consideration of cases to the various judges.

''(d) EXPEDITIOUS AND CONFIDENTIAL NATURE OF PROCEEDINGS.—The provisions of section 103(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(c)) shall apply to proceedings under this title in the same manner as they apply to proceedings under such Act.

''(e) ESTABLISHMENT OF PANEL OF SPECIAL ATTORNEYS.—The special removal court shall provide for the designation of a panel of attorneys each of whom—

''(1) has a security clearance which affords the attorney access to classified information, and

''(2) has agreed to represent permanent resident aliens with respect to classified information under sections 506 and 507(c)(2)(B) in accordance with (and subject to the penalties under) this title.

''APPLICATION FOR INITIATION OF SPECIAL REMOVAL PROCEEDING

''SEC. 503. (a) IN GENERAL.—Whenever the Attorney General has classified information that an alien is an alien terrorist, the Attorney General, in the Attorney General's discretion, may seek removal of the alien under this title through the filing with the special removal court of a written application described in subsection (b) that seeks an order authorizing a special removal proceeding under this title. The application shall be submitted in camera and ex parte and shall be filed under seal with the court.

''(b) CONTENTS OF APPLICATION.—Each application for a special removal proceeding shall include all of the following:

''(1) The identity of the Department of Justice attorney making the application.

''(2) The approval of the Attorney General or the Deputy Attorney General for the filing of the application based upon a finding by that individual that the application satisfies the criteria and requirements of this title.

''(3) The identity of the alien for whom authorization for the special removal proceeding is sought.

''(4) A statement of the facts and circumstances relied on by the Department of Justice to establish that—

''(A) the alien is an alien terrorist and is physically present in the United States, and

''(B) with respect to such alien, adherence to the provisions of title II regarding the deportation of aliens would pose a risk to the national security of the United States.

''(5) An oath or affirmation respecting each of the facts and statements described in the previous paragraphs.

''(c) RIGHT TO DISMISS.—The Department of Justice retains the right to dismiss a removal action under this title at any stage of the proceeding.

''CONSIDERATION OF APPLICATION

''SEC. 504. (a) IN GENERAL.—In the case of an application under section 503 to the special removal court, a single judge of the court shall be assigned to consider the application. The judge, in accordance with the rules of the court, shall consider the application and may consider other information, including classified information, presented under oath or affirmation. The judge shall consider the application (and any hearing thereof) in camera and ex parte. A verbatim record shall be maintained of any such hearing.

''(b) APPROVAL OF ORDER.—The judge shall enter ex parte the order requested in the application if the judge finds, on the basis of such application and such other information (if any), that there is probable cause to believe that—

''(1) the alien who is the subject of the application has been correctly identified and is an alien terrorist, and

''(2) adherence to the provisions of title II regarding the deportation of the identified alien would pose a risk to the national security of the United States.

''(c) DENIAL OF ORDER.—If the judge denies the order requested in the application, the judge shall prepare a written statement of the judge's reasons for the denial.

''(d) EXCLUSIVE PROVISIONS.—Whenever an order is issued under this section with respect to an alien—

''(1) the alien's rights regarding removal and expulsion shall be governed solely by the provisions of this title, and

''(2) except as they are specifically referenced, no other provisions of this Act shall be applicable.

''SPECIAL REMOVAL HEARINGS

''SEC. 505. (a) IN GENERAL.—In any case in which the application for the order is approved under section 504, a special removal hearing shall be conducted under this section for the purpose of determining whether the alien to whom the order pertains should be removed from the United States on the grounds that the alien is an alien terrorist. Consistent with section 506, the alien shall be given reasonable notice of the nature of the charges against the alien and a general account of the basis for the charges. The alien shall be given notice, reasonable under all the circumstances, of the time and place at which the hearing will be held. The hearing shall be held as expeditiously as possible.

''(b) USE OF SAME JUDGE.—The special removal hearing shall be held before the same judge who granted the order pursuant to section 504 unless that judge is deemed unavailable due to illness or disability by the chief judge of the special removal court, or has died, in which case the chief judge shall assign another judge to conduct the special removal hearing. A decision by the chief judge pursuant to the preceding sentence shall not be subject to review by either the alien or the Department of Justice.

''(c) RIGHTS IN HEARING.—

''(1) PUBLIC HEARING.—The special removal hearing shall be open to the public.

''(2) RIGHT OF COUNSEL.—The alien shall have a right to be present at such hearing and to be represented by counsel. Any alien financially unable to obtain counsel shall be entitled to have counsel assigned to represent the alien. Such counsel shall be appointed by the judge pursuant to the plan for furnishing representation for any person financially unable to obtain adequate representation for the district in which the hearing is conducted, as provided for in section 3006A of title 18, United States Code. All provisions of that section shall apply and, for purposes of determining the maximum amount of compensation, the matter shall be treated as if a felony was charged.

''(3) INTRODUCTION OF EVIDENCE.—The alien shall have a right to introduce evidence on the alien's own behalf.

''(4) EXAMINATION OF WITNESSES.—Except as provided in section 506, the alien shall have a reasonable opportunity to examine the evidence against the alien and to cross-examine any witness.

''(5) RECORD.—A verbatim record of the proceedings and of all testimony and evidence offered or produced at such a hearing shall be kept.

''(6) DECISION BASED ON EVIDENCE AT HEARING.—The decision of the judge in the hearing shall be based only on the evidence introduced at the hearing, including evidence introduced under subsection (e).

''(7) NO RIGHT TO ANCILLARY RELIEF.—In the hearing, the judge is not authorized to consider or provide for relief from removal based on any of the following:

''(A) Asylum under section 208.

''(B) Withholding of deportation under section 243(h).

''(C) Suspension of deportation under section 244(a) or 244(e).

''(D) Adjustment of status under section 245.

''(E) Registry under section 249.

''(d) SUBPOENAS.—

''(1) REQUEST.—At any time prior to the conclusion of the special removal hearing, either the alien or the Department of Justice may request the judge to issue a subpoena for the presence of a named witness (which subpoena may also command the person to whom it is directed to produce books, papers, documents, or other objects designated therein) upon a satisfactory showing that the presence of the witness is necessary for the determination of any material matter. Such a request may be made ex parte except that the judge shall inform the Department of Justice of any request for a subpoena by the alien for a witness or material if compliance with such a subpoena would reveal evidence or the source of evidence which has been introduced, or which the Department of Justice has received permission to introduce, in camera and ex parte pursuant to subsection (e) and section 506, and the Department of Justice shall be given a reasonable opportunity to oppose the issuance of such a subpoena.

''(2) PAYMENT FOR ATTENDANCE.—If an application for a subpoena by the alien also makes a showing that the alien is financially

unable to pay for the attendance of a witness so requested, the court may order the costs incurred by the process and the fees of the witness so subpoenaed to be paid from funds appropriated for the enforcement of title II.

''(3) NATIONWIDE SERVICE.—A subpoena under this subsection may be served anywhere in the United States.

''(4) WITNESS FEES.—A witness subpoenaed under this subsection shall receive the same fees and expenses as a witness subpoenaed in connection with a civil proceeding in a court of the United States.

''(5) NO ACCESS TO CLASSIFIED INFORMATION.—Nothing in this subsection is intended to allow an alien to have access to classified information.

''(e) INTRODUCTION OF CLASSIFIED INFORMATION.—

''(1) IN GENERAL.—Classified information that has been summarized pursuant to section 506(b) and classified information for which findings described in section 506(b)(4)(B) have been made and for which no summary is provided shall be introduced (either in writing or through testimony) in camera and ex parte and neither the alien nor the public shall be informed of such evidence or its sources other than through reference to the summary (if any) provided pursuant to such section. Notwithstanding the previous sentence, the Department of Justice may, in its discretion and after coordination with the originating agency, elect to introduce such evidence in open session.

''(2) TREATMENT OF ELECTRONIC SURVEILLANCE INFORMATION.—

''(A) USE OF ELECTRONIC SURVEILLANCE.—The Government is authorized to use in a special removal proceeding the fruits of electronic surveillance and unconsented physical searches authorized under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) without regard to subsections (c), (e), (f), (g), and (h) of section 106 of that Act.

''(B) NO DISCOVERY OF ELECTRONIC SURVEILLANCE INFORMATION.—An alien subject to removal under this title shall have no right of discovery of information derived from electronic surveillance authorized under the Foreign Intelligence Surveillance Act of 1978 or otherwise for national security purposes. Nor shall such alien have the right to seek suppression of evidence.

''(C) CERTAIN PROCEDURES NOT APPLICABLE.—The provisions and requirements of section 3504 of title 18, United States Code, shall not apply to procedures under this title.

''(3) RIGHTS OF UNITED STATES.—Nothing in this section shall prevent the United States from seeking protective orders and from asserting privileges ordinarily available to the United States to protect against the disclosure of classified information, including the invocation of the military and state secrets privileges.

''(f) INCLUSION OF CERTAIN EVIDENCE.—The Federal Rules of Evidence shall not apply to hearings under this section. Evidence introduced at the special removal hearing, either in open session or in camera and ex parte, may, in the discretion of the Department of Justice, include all or part of the information presented under section 504 used to obtain the order for the hearing under this section.

''(g) ARGUMENTS.—Following the receipt of evidence, the attorneys for the Department of Justice and for the alien shall be given fair opportunity to present argument as to whether the evidence is sufficient to justify the removal of the alien. The attorney for the Department of Justice shall open the argument. The attorney for the alien shall be permitted to reply. The attorney for the Department of Justice shall then be permitted to reply in rebuttal. The judge may allow any part of the argument that refers to evidence received in camera and ex parte to be heard in camera and ex parte.

''(h) BURDEN OF PROOF.—In the hearing the Department of Justice has the burden of showing by clear and convincing evidence that the alien is subject to removal because the alien is an alien terrorist. If the judge finds that the Department of Justice has met this burden, the judge shall order the alien removed and detained pending removal from the United States. If the alien was released pending the special removal hearing, the judge shall order the Attorney General to take the alien into custody.

''(i) WRITTEN ORDER.—At the time of rendering a decision as to whether the alien shall be removed, the judge shall prepare a written order containing a statement of facts found and conclusions of law. Any portion of the order that would reveal the substance or source of information received in camera and ex parte pursuant to subsection (e) shall not be made available to the alien or the public.

''CONSIDERATION OF CLASSIFIED INFORMATION

''SEC. 506. (a) CONSIDERATION IN CAMERA AND EX PARTE.—In any case in which the application for the order authorizing the special procedures of this title is approved, the judge who granted the order shall consider each item of classified information the Department of Justice proposes to introduce in camera and ex parte at the special removal hearing and shall order the introduction of such information pursuant to section 505(e) if the judge determines the information to be relevant.

''(b) PREPARATION AND PROVISION OF WRITTEN SUMMARY.—

''(1) PREPARATION.—The Department of Justice shall prepare a written summary of such classified information which does not pose a risk to national security.

''(2) CONDITIONS FOR APPROVAL BY JUDGE AND PROVISION TO ALIEN.—The judge shall approve the summary so long as the judge finds that the summary is sufficient—

''(A) to inform the alien of the general nature of the evidence that the alien is an alien terrorist, and

''(B) to permit the alien to prepare a defense against deportation.

The Department of Justice shall cause to be delivered to the alien a copy of the summary.

''(3) OPPORTUNITY FOR CORRECTION AND RESUBMITTAL.—If the judge does not approve the summary, the judge shall provide the Department a reasonable opportunity to correct the deficiencies identified by the court and to submit a revised summary.

''(4) CONDITIONS FOR TERMINATION OF PROCEEDINGS IF SUMMARY NOT APPROVED.—

''(A) IN GENERAL.—If, subsequent to the opportunity described in paragraph (3), the judge does not approve the summary, the judge shall terminate the special removal hearing unless the judge makes the findings described in subparagraph (B).

''(B) FINDINGS.—The findings described in this subparagraph are, with respect to an alien, that—

''(i) the continued presence of the alien in the United States, and

''(ii) the provision of the required summary,

would likely cause serious and irreparable harm to the national security or death or serious bodily injury to any person.

''(5) CONTINUATION OF HEARING WITHOUT SUMMARY.—If a judge makes the findings described in paragraph (4)(B)—

''(A) if the alien involved is an alien lawfully admitted for permanent residence, the procedures described in subsection (c) shall apply; and

''(B) in all cases the special removal hearing shall continue, the Department of Justice shall cause to be delivered to the alien a statement that no summary is possible, and the classified information submitted in camera and ex parte may be used pursuant to section 505(e).

''(c) SPECIAL PROCEDURES FOR ACCESS AND CHALLENGES TO CLASSIFIED INFORMATION BY SPECIAL ATTORNEYS IN CASE OF LAWFUL PERMANENT ALIENS.—

''(1) IN GENERAL.—The procedures described in this subsection are that the judge (under rules of the special removal court) shall designate a special attorney (as defined in section 501(4)), (and the alien facing deportation under these procedures, may choose which special attorney shall be so designated, if the alien makes that choice not later than 45 days after the date on which the alien receives notice that the Government intends to use such procedures) to assist the alien and the court—

''(A) by reviewing in camera the classified information on behalf of the alien, and

''(B) by challenging through an in camera proceeding the veracity of the evidence contained in the classified information.

''(2) RESTRICTIONS ON DISCLOSURE.—A special attorney receiving classified information under paragraph (1)—

''(A) shall not disclosure the information to the alien or to any other attorney representing the alien, and

''(B) who discloses such information in violation of subparagraph (A) shall be subject to a fine under title 18, United States Code, and imprisoned for not less than 10 years nor more than 25 years.

''APPEALS

''SEC. 507. (a) APPEALS OF DENIALS OF APPLICATIONS FOR ORDERS.—The Department of Justice may seek a review of the denial of an order sought in an application by the United States Court of Appeals for the District of Columbia Circuit by notice of appeal which must be filed within 20 days after the date of such denial. In such a case the entire record of the proceeding shall be transmitted to the Court of Appeals under seal and the Court of Appeals shall hear the matter ex parte. In such a case the Court of Appeals shall review questions of law de novo, but a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

''(b) APPEALS OF DETERMINATIONS ABOUT SUMMARIES OF CLASSIFIED INFORMATION.—Either party may take an interlocutory appeal to the United States Court of Appeals for the District of Columbia Circuit of—

''(1) any determination by the judge pursuant to section 506(a)—

''(A) concerning whether an item of evidence may be introduced in camera and ex parte, or

''(B) concerning the contents of any summary of evidence to be introduced in camera and ex parte prepared pursuant to section 506(b); or

''(2) the refusal of the court to make the findings permitted by section 506(b)(4)(B).

In any interlocutory appeal taken pursuant to this subsection, the entire record, including any proposed order of the judge or summary of evidence, shall be transmitted to the Court of Appeals under seal and the matter shall be heard ex parte.

''(c) APPEALS OF DECISION IN HEARING.—

''(1) IN GENERAL.—Subject to paragraph (2), the decision of the judge after a special removal hearing may be appealed by either the alien or the Department of Justice to the United States Court of Appeals for the District of Columbia Circuit by notice of appeal.

''(2) AUTOMATIC APPEALS IN CASES OF PERMANENT RESIDENT ALIENS IN WHICH NO SUMMARY PROVIDED.—

''(A) IN GENERAL.—Unless the alien waives the right to a review under this paragraph, in any case involving an alien lawfully admitted for permanent residence who is denied a written summary of classified information under section 506(b)(4) and with respect to which the procedures described in section 506(c) apply, any order issued by the judge shall be reviewed by the Court of Appeals for the District of Columbia Circuit.

''(B) USE OF SPECIAL ATTORNEY.—With respect to any issue relating to classified information that arises in such review, the alien shall be represented only by the special attorney designated under section 506(c)(1) on behalf of the alien.

''(d) GENERAL PROVISIONS RELATING TO APPEALS.—

''(1) NOTICE.—A notice of appeal pursuant to subsection (b) or (c) (other than under subsection (c)(2)) must be filed within 20 days after the date of the order with respect to which the appeal is sought, during which time the order shall not be executed.

''(2) TRANSMITTAL OF RECORD.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c)—

''(A) the entire record shall be transmitted to the Court of Appeals, and

''(B) information received pursuant to section 505(e), and any portion of the judge's order that would reveal the substance or source of such information, shall be transmitted under seal.

''(3) EXPEDITED APPELLATE PROCEEDING.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

''(A) REVIEW.—The appeal or review shall be heard as expeditiously as practicable and the Court may dispense with full briefing and hear the matter solely on the record of the judge of the special removal court and on such briefs or motions as the Court may require to be filed by the parties.

''(B) DISPOSITION.—The Court shall uphold or reverse the judge's order within 60 days after the date of the issuance of the judge's final order.

''(4) STANDARD FOR REVIEW.—In an appeal or review to the Court of Appeals pursuant to subsection (b) or (c):

''(A) QUESTIONS OF LAW.—The Court of Appeals shall review all questions of law de novo.

''(B) QUESTIONS OF FACT.—(i) Subject to clause (ii), a prior finding on any question of fact shall not be set aside unless such finding was clearly erroneous.

''(ii) In the case of a review under subsection (c)(2) in which an alien lawfully admitted for permanent residence was denied a written summary of classified information under section 506(b)(4), the Court of Appeals shall review questions of fact de novo.

''(e) CERTIORARI.—Following a decision by the Court of Appeals pursuant to subsection (b) or (c), either the alien or the Department of Justice may petition the Supreme Court for a writ of certiorari. In any such case, any information transmitted to the Court of Appeals under seal shall, if such information is also submitted to the Supreme Court, be transmitted under seal. Any order of removal shall not be stayed pending disposition of a writ of certiorari except as provided by the Court of Appeals or a Justice of the Supreme Court.

''(f) APPEALS OF DETENTION ORDERS.—

''(1) IN GENERAL.— The provisions of sections 3145 through 3148 of title 18, United States Code, pertaining to review and appeal of a release or detention order, penalties for failure to appear, penalties for an offense committed while on release, and sanctions for violation of a release condition shall apply to an alien to whom section 508(b)(1) applies. In applying the previous sentence—

''(A) for purposes of section 3145 of such title an appeal shall be taken to the United States Court of Appeals for the District of Columbia Circuit, and

''(B) for purposes of section 3146 of such title the alien shall be considered released in connection with a charge of an offense punishable by life imprisonment.

''(2) NO REVIEW OF CONTINUED DETENTION.—The determinations and actions of the Attorney General pursuant to section 508(c)(2)(C) shall not be subject to judicial review, including application for a writ of habeas corpus, except for a claim by the alien that continued detention violates the alien's rights under the Constitution. Jurisdiction over any such challenge shall lie exclusively in the United States Court of Appeals for the District of Columbia Circuit.

''DETENTION AND CUSTODY

''SEC. 508. (a) INITIAL CUSTODY.—

''(1) UPON FILING APPLICATION.—Subject to paragraphs (2) and (3), the Attorney General may take into custody any alien with respect to whom an application under section 503 has been filed and, notwithstanding any other provision of law, may retain such an alien in custody in accordance with the procedures authorized by this title.

''(2) SPECIAL RULES FOR PERMANENT RESIDENT ALIENS.—An alien lawfully admitted for permanent residence shall be entitled to a release hearing before the judge assigned to hear the special removal hearing. Such an alien shall be detained pending the special removal hearing, unless the alien demonstrates to the court that—

''(A) the alien, if released upon such terms and conditions as the court may prescribe (including the posting of any monetary amount), is not likely to flee, and

''(B) the alien's release will not endanger national security or the safety of any person or the community.

The judge may consider classified information submitted in camera and ex parte in making a determination under this paragraph.

''(3) RELEASE IF ORDER DENIED AND NO REVIEW SOUGHT.—

''(A) IN GENERAL.—Subject to subparagraph (B), if a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice does not seek review of such denial, the alien shall be released from custody.

''(B) APPLICATION OF REGULAR PROCEDURES.—Subparagraph (A) shall not prevent the arrest and detention of the alien pursuant to title II.

''(b) CONDITIONAL RELEASE IF ORDER DENIED AND REVIEW SOUGHT.—

''(1) IN GENERAL.—If a judge of the special removal court denies the order sought in an application with respect to an alien and the Department of Justice seeks review of such denial, the judge shall release the alien from custody subject to the least restrictive condition or combination of conditions of release described in section 3142(b) and clauses (i) through (xiv) of section 3142(c)(1)(B) of title 18, United States Code, that will reasonably assure the appearance of the alien at any future proceeding pursuant to this title and will not endanger the safety of any other person or the community.

''(2) NO RELEASE FOR CERTAIN ALIENS.—If the judge finds no such condition or combination of conditions, the alien shall remain in custody until the completion of any appeal authorized by this title.

''(c) CUSTODY AND RELEASE AFTER HEARING.—

''(1) RELEASE.—

''(A) IN GENERAL.—Subject to subparagraph (B), if the judge decides pursuant to section 505(i) that an alien should not be removed, the alien shall be released from custody.

''(B) CUSTODY PENDING APPEAL.—If the Attorney General takes an appeal from such decision, the alien shall remain in custody, subject to the provisions of section 3142 of title 18, United States Code.

''(2) CUSTODY AND REMOVAL.—

''(A) CUSTODY.—If the judge decides pursuant to section 505(i) that an alien shall be removed, the alien shall be detained pending the outcome of any appeal. After the conclusion of any judicial review thereof which affirms the removal order, the Attorney General shall retain the alien in custody and remove the alien to a country specified under subparagraph (B).

''(B) REMOVAL.—

''(i) IN GENERAL.—The removal of an alien shall be to any country which the alien shall designate if such designation does not, in the judgment of the Attorney General, in consultation with the Secretary of State, impair the obligation of the United States under any treaty (including a treaty pertaining to extradition) or otherwise adversely affect the foreign policy of the United States.

''(ii) ALTERNATE COUNTRIES.—If the alien refuses to designate a country to which the alien wishes to be removed or if the Attorney General, in consultation with the Secretary of State, determines that removal of the alien to the country so designated would impair a treaty obligation or adversely affect United States foreign policy, the Attorney General shall cause the alien to be removed to any country willing to receive such alien.

''(C) CONTINUED DETENTION.—If no country is willing to receive such an alien, the Attorney General may, notwithstanding any other provision of law, retain the alien in custody. The Attorney General, in coordination with the Secretary of State, shall make periodic efforts to reach agreement with other countries to accept such an alien and at least every 6 months shall provide to the attorney representing the alien at the special removal hearing a written report on the Attorney General's efforts. Any alien in custody pursuant to this subparagraph shall be released from custody solely at the discretion of the Attorney General and subject to such conditions as the Attorney General shall deem appropriate.

''(D) FINGERPRINTING.—Before an alien is transported out of the United States pursuant to this subsection, or pursuant to an order of exclusion because such alien is excludable under section 212(a)(3)(B), the alien shall be photographed and fingerprinted, and shall be advised of the provisions of section 276(b).

''(d) CONTINUED DETENTION PENDING TRIAL.—

''(1) DELAY IN REMOVAL.—Notwithstanding the provisions of subsection (c)(2), the Attorney General may hold in abeyance the removal of an alien who has been ordered removed pursuant to this title to allow the trial of such alien on any Federal or State criminal charge and the service of any sentence of confinement resulting from such a trial.

''(2) MAINTENANCE OF CUSTODY.—Pending the commencement of any service of a sentence of confinement by an alien described in paragraph (1), such an alien shall remain in the custody of the Attorney General, unless the Attorney General determines that temporary release of the alien to the custody of State authorities for confinement in a State facility is appropriate and would not endanger national security or public safety.

''(3) SUBSEQUENT REMOVAL.—Following the completion of a sentence of confinement by an alien described in paragraph (1) or following the completion of State criminal proceedings which do not result in a sentence of

confinement of an alien released to the custody of State authorities pursuant to paragraph (2), such an alien shall be returned to the custody of the Attorney General who shall proceed to carry out the provisions of subsection (c)(2) concerning removal of the alien.

''(e) APPLICATION OF CERTAIN PROVISIONS RELATING TO ESCAPE OF PRISONERS.—For purposes of section 751 and 752 of title 18, United States Code, an alien in the custody of the Attorney General pursuant to this title shall be subject to the penalties provided by those sections in relation to a person committed to the custody of the Attorney General by virtue of an arrest on a charge of a felony.

''(f) RIGHTS OF ALIENS IN CUSTODY.—

''(1) FAMILY AND ATTORNEY VISITS.—An alien in the custody of the Attorney General pursuant to this title shall be given reasonable opportunity to communicate with and receive visits from members of the alien's family, and to contact, retain, and communicate with an attorney.

''(2) DIPLOMATIC CONTACT.—An alien in the custody of the Attorney General pursuant to this title shall have the right to contact an appropriate diplomatic or consular official of the alien's country of citizenship or nationality or of any country providing representation services therefore. The Attorney General shall notify the appropriate embassy, mission, or consular office of the alien's detention.''.

(b) JURISDICTION OVER EXCLUSION ORDERS FOR ALIEN TERRORISTS.—Section 106(b) of the Immigration and Nationality Act (8 U.S.C. 1105a(b)) is amended by adding at the end the following sentence: ''Jurisdiction to review an order entered pursuant to the provisions of section 235(c) concerning an alien excludable under section 212(a)(3)(B) shall rest exclusively in the United States Court of Appeals for the District of Columbia Circuit.''.

(c) CRIMINAL PENALTY FOR REENTRY OF ALIEN TERRORISTS.—Section 276(b) of such Act (8 U.S.C. 1326(b)) is amended—

(1) by striking ''or'' at the end of paragraph (1),

(2) by striking the period at the end of paragraph (2) and inserting ''; or'', and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) who has been excluded from the United States pursuant to section 235(c) because the alien was excludable under section 212(a)(3)(B) or who has been removed from the United States pursuant to the provisions of title V, and who thereafter, without the permission of the Attorney General, enters the United States or attempts to do so shall be fined under title 18, United States Code, and imprisoned for a period of 10 years, which sentence shall not run concurrently with any other sentence.''.

(d) ELIMINATION OF CUSTODY REVIEW BY HABEAS CORPUS.—Section 106(a) of such Act (8 U.S.C. 1105a(a)) is amended—

(1) by adding ''and'' at the end of paragraph (8),

(2) by striking ''; and'' at the end of paragraph (9) and inserting a period, and

(3) by striking paragraph (10).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to all aliens without regard to the date of entry or attempted entry into the United States.

SEC. 602. FUNDING FOR DETENTION AND REMOVAL OF ALIEN TERRORISTS.

In addition to amounts otherwise appropriated, there are authorized to be appropriated for each fiscal year (beginning with fiscal year 1996) $5,000,000 to the Immigration and Naturalization Service for the purpose of detaining and removing alien terrorists.

PART 2—EXCLUSION AND DENIAL OF ASYLUM FOR ALIEN TERRORISTS

SEC. 611. MEMBERSHIP IN TERRORIST ORGANIZATION AS GROUND FOR EXCLUSION.

(a) IN GENERAL.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by striking ''or'' at the end of subclause (I),

(B) in subclause (II), by inserting ''engaged in or'' after ''believe,'', and

(C) by inserting after subclause (II) the following:

''(III) is a representative of a terrorist organization, or

''(IV) is a member of a terrorist organization which the alien knows or should have known is a terrorist organization,''; and

(2) by adding at the end the following:

''(iv) TERRORIST ORGANIZATION DEFINED.—

''(I) DESIGNATION.—For purposes of this Act, the term 'terrorist organization' means a foreign organization designated in the Federal Register as a terrorist organization by the Secretary of State, in consultation with the Attorney General, based upon a finding that the organization engages in, or has engaged in, terrorist activity that threatens the national security of the United States.

''(II) PROCESS.—At least 3 days before designating an organization as a terrorist organization through publication in the Federal Register, the Secretary of State, in consultation with the Attorney General, shall notify the Committees on the Judiciary of the House of Representatives and the Senate of the intent to make such designation and the findings and basis for designation. The Secretary of State, in consultation with the Attorney General, shall create an administrative record and may use classified information in making such a designation. Such information is not subject to disclosure so long as it remains classified, except that it may be disclosed to a court ex parte and in camera under subclause (III) for purposes of judicial review of such a designation. The Secretary of State, in consultation with the Attorney General, shall provide notice and an opportunity for public comment prior to the creation of the administrative record under this subclause.

''(III) JUDICIAL REVIEW.—Any organization designated as a terrorist organization under the preceding provisions of this clause may, not later than 30 days after the date of the designation, seek judicial review thereof in the United States Court of Appeals for the District of Columbia Circuit. Such review shall be based solely upon the administrative record, except that the Government may submit, for ex parte and in camera review, classified information considered in making the designation. The court shall hold unlawful and set aside the designation if the court finds the designation to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, lacking substantial support in the administrative record taken as a whole or in classified information submitted to the court under the previous sentence, contrary to constitutional right, power, privilege, or immunity, or not in accord with the procedures required by law.

''(IV) CONGRESSIONAL AUTHORITY TO REMOVE DESIGNATION.—The Congress reserves the authority to remove, by law, the designation of an organization as a terrorist organization for purposes of this Act.

''(V) SUNSET.—Subject to subclause (IV), the designation under this clause of an organization as a terrorist organization shall be effective for a period of 2 years from the date of the initial publication of the terrorist organization designation by the Secretary of State. At the end of such period (but no sooner than 60 days prior to the termination of the 2-year-designation period), the Secretary of State, in consultation with the Attorney General, may redesignate the organization in conformity with the requirements of this clause for designation of the organization.

''(VI) OTHER AUTHORITY TO REMOVE DESIGNATION.—The Secretary of State, in consultation with the Attorney General, may remove the terrorist organization designation from any organization previously designated as such an organization, at any time, so long as the Secretary publishes notice of the removal in the Federal Register. The Secretary is not required to report to Congress prior to so removing such designation.

''(v) REPRESENTATIVE DEFINED.—In this subparagraph, the term 'representative' includes an officer, official, or spokesman of the organization and any person who directs, counsels, commands or induces the organization or its members to engage in terrorist activity. The determination by the Secretary of State or the Attorney General that an alien is a representative of a terrorist organization shall be subject to judicial review.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 612. DENIAL OF ASYLUM TO ALIEN TERRORISTS.

(a) IN GENERAL.—Section 208(a) of the Immigration and Nationality Act (8 U.S.C. 1158(a)) is amended by adding at the end the following: ''The Attorney General may not grant an alien asylum if the Attorney General determines that the alien is excludable under subclause (I), (II), or (III) of section 212(a)(3)(B)(i) or deportable under section 241(a)(4)(B).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and apply to asylum determinations made on or after such date.

SEC. 613. DENIAL OF OTHER RELIEF FOR ALIEN TERRORISTS.

(a) WITHHOLDING OF DEPORTATION.—Section 243(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1253(h)(2)) is amended by adding at the end the following new sentence: ''For purposes of subparagraph (D), an alien who is described in section 241(a)(4)(B) shall be considered to be an alien for whom there are reasonable grounds for regarding as a danger to the security of the United States.''.

(b) SUSPENSION OF DEPORTATION.—Section 244(a) of such Act (8 U.S.C. 1254(a)) is amended by striking ''section 241(a)(4)(D)'' and inserting ''subparagraph (B) or (D) of section 241(a)(4)''.

(c) VOLUNTARY DEPARTURE.—Section 244(e)(2) of such Act (8 U.S.C. 1254(e)(2)) is amended by inserting ''under section 241(a)(4)(B) or'' after ''who is deportable''.

(d) ADJUSTMENT OF STATUS.—Section 245(c) of such Act (8 U.S.C. 1255(c)) is amended—

(1) by striking ''or'' before ''(5)'', and

(2) by inserting before the period at the end the following: '', or (6) an alien who is deportable under section 241(a)(4)(B)''.

(e) REGISTRY.—Section 249(d) of such Act (8 U.S.C. 1259(d)) is amended by inserting ''and is not deportable under section 241(a)(4)(B)'' after ''ineligible to citizenship''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to applications filed before, on, or after such date if final action has not been taken on them before such date.

Subtitle B—Expedited Exclusion

SEC. 621. INSPECTION AND EXCLUSION BY IMMIGRATION OFFICERS.

(a) IN GENERAL.—Subsection (b) of section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended to read as follows:

''(b)(1)(A) If the examining immigration officer determines that an alien seeking entry—

''(i) is excludable under section 212(a)(6)(C) or 212(a)(7), and

''(ii) does not indicate either an intention to apply for asylum under section 208 or a fear of persecution,

the officer shall order the alien excluded from the United States without further hearing or review.

''(B) The examining immigration officer shall refer for an interview by an asylum officer under subparagraph (C) any alien who is excludable under section 212(a)(6)(C) or 212(a)(7) and has indicated an intention to apply for asylum under section 208 or a fear of persecution.

''(C)(i) An asylum officer shall promptly conduct interviews of aliens referred under subparagraph (B).

''(ii) If the officer determines at the time of the interview that an alien has a credible fear of persecution (as defined in clause (v)), the alien shall be detained for an asylum hearing before an asylum officer under section 208.

''(iii)(I) Subject to subclause (II), if the officer determines that the alien does not have a credible fear of persecution, the officer shall order the alien excluded from the United States without further hearing or review.

''(II) The Attorney General shall promulgate regulations to provide for the immediate review by a supervisory asylum office at the port of entry of a determination under subclause (I).

''(iv) The Attorney General shall provide information concerning the asylum interview described in this subparagraph to aliens who may be eligible. An alien who is eligible for such interview may consult with a person or persons of the alien's choosing prior to the interview or any review thereof, according to regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

''(v) For purposes of this subparagraph, the term 'credible fear of persecution' means (I) that it is more probable than not that the statements made by the alien in support of the alien's claim are true, and (II) that there is a significant possibility, in light of such statements and of such other facts as are known to the officer, that the alien could establish eligibility for asylum under section 208.

''(D) As used in this paragraph, the term 'asylum officer' means an immigration officer who—

''(i) has had professional training in country conditions, asylum law, and interview techniques; and

''(ii) is supervised by an officer who meets the condition in clause (i).

''(E)(i) An exclusion order entered in accordance with subparagraph (A) is not subject to administrative appeal, except that the Attorney General shall provide by regulation for prompt review of such an order against an alien who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been lawfully admitted for permanent residence.

''(ii) In any action brought against an alien under section 275(a) or section 276, the court shall not have jurisdiction to hear any claim attacking the validity of an order of exclusion entered under subparagraph (A).

''(2)(A) Except as provided in subparagraph (B), if the examining immigration officer determines that an alien seeking entry is not clearly and beyond a doubt entitled to enter, the alien shall be detained for a hearing before a special inquiry officer.

''(B) The provisions of subparagraph (A) shall not apply—

''(i) to an alien crewman,

''(ii) to an alien described in paragraph (1)(A) or (1)(C)(iii)(I), or

''(iii) if the conditions described in section 273(d) exist.

''(3) The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien whose privilege to enter is so challenged, before a special inquiry officer for a hearing on exclusion of the alien.''.

(b) CONFORMING AMENDMENT.—Section 237(a) of such Act (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking ''Deportation'' and inserting ''Subject to section 235(b)(1), deportation'', and

(2) in the first sentence of paragraph (2), by striking ''If'' and inserting ''Subject to section 235(b)(1), if''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

SEC. 622. JUDICIAL REVIEW.

(a) PRECLUSION OF JUDICIAL REVIEW.—Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(1) by amending the section heading to read as follows:

''JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION, AND SPECIAL EXCLUSION''; and

(2) by adding at the end the following new subsection:

''(e)(1) Notwithstanding any other provision of law, and except as provided in this subsection, no court shall have jurisdiction to review any individual determination, or to entertain any other cause or claim, arising from or relating to the implementation or operation of section 235(b)(1). Regardless of the nature of the action or claim, or the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection nor to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

''(2) Judicial review of any cause, claim, or individual determination covered under paragraph (1) shall only be available in habeas corpus proceedings, and shall be limited to determinations of—

''(A) whether the petitioner is an alien, if the petitioner makes a showing that the petitioner's claim of United States nationality is not frivolous;

''(B) whether the petitioner was ordered specially excluded under section 235(b)(1)(A); and

''(C) whether the petitioner can prove by a preponderance of the evidence that the petitioner is an alien lawfully admitted for permanent residence and is entitled to such review as is provided by the Attorney General pursuant to section 235(b)(1)(E)(i).

''(3) In any case where the court determines that an alien was not ordered specially excluded, or was not properly subject to special exclusion under the regulations adopted by the Attorney General, the court may order no relief beyond requiring that the alien receive a hearing in accordance with section 236, or a determination in accordance with section 235(c) or 273(d).

''(4) In determining whether an alien has been ordered specially excluded, the court's inquiry shall be limited to whether such an order was in fact issued and whether it relates to the petitioner.''.

(b) PRECLUSION OF COLLATERAL ATTACKS.—Section 235 of such Act (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

''(d) In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or section 276, no court shall have jurisdiction to hear claims collaterally attacking the validity of orders of exclusion, special exclusion, or deportation entered under this section or sections 236 and 242.''.

(c) CLERICAL AMENDMENT.—The item relating to section 106 in the table of contents of such Act is amended to read as follows:

''Sec. 106. Judicial review of orders of deportation and exclusion, and special exclusion.''.

SEC. 623. EXCLUSION OF ALIENS WHO HAVE NOT BEEN INSPECTED AND ADMITTED.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is amended by adding at the end the following new subsection:

''(d) Notwithstanding any other provision of this title, an alien found in the United States who has not been admitted to the United States after inspection in accordance with section 235 is deemed for purposes of this Act to be seeking entry and admission to the United States and shall be subject to examination and exclusion by the Attorney General under chapter 4. In the case of such an alien the Attorney General shall provide by regulation an opportunity for the alien to establish that the alien was so admitted.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act.

Subtitle C—Improved Information and Processing

PART 1—IMMIGRATION PROCEDURES

SEC. 631. ACCESS TO CERTAIN CONFIDENTIAL INS FILES THROUGH COURT ORDER.

(a) LEGALIZATION PROGRAM.—Section 245A(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1255a(c)(5)) is amended—

(1) by inserting ''(i)'' after ''except that the Attorney General'', and

(2) by inserting after ''title 13, United States Code'' the following: ''and (ii) may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of the alien to be used—

''(I) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated; or

''(II) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the legalization application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant''.

(b) SPECIAL AGRICULTURAL WORKER PROGRAM.—Section 210(b) of such Act (8 U.S.C. 1160(b)) is amended—

(1) in paragraph (5), by inserting '', except as allowed by a court order issued pursuant to paragraph (6)'' after ''consent of the alien'', and

(2) in paragraph (6), by inserting after subparagraph (C) the following:

''Notwithstanding the previous sentence, the Attorney General may authorize an application to a Federal court of competent jurisdiction for, and a judge of such court may grant, an order authorizing disclosure of information contained in the application of

the alien to be used (i) for identification of the alien when there is reason to believe that the alien has been killed or severely incapacitated, or (ii) for criminal law enforcement purposes against the alien whose application is to be disclosed if the alleged criminal activity occurred after the special agricultural worker application was filed and such activity involves terrorist activity or poses either an immediate risk to life or to national security, or would be prosecutable as an aggravated felony, but without regard to the length of sentence that could be imposed on the applicant.''.

SEC. 632. WAIVER AUTHORITY CONCERNING NOTICE OF DENIAL OF APPLICATION FOR VISAS.

Section 212(b) of the Immigration and Nationality Act (8 U.S.C. 1182(b)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by striking ''If'' and inserting ''(1) Subject to paragraph (2), if''; and

(3) by adding at the end the following new paragraph:

''(2) With respect to applications for visas, the Secretary of State may waive the application of paragraph (1) in the case of a particular alien or any class or classes of aliens excludable under subsection (a)(2) or (a)(3).''.

PART 2—ASSET FORFEITURE FOR PASSPORT AND VISA OFFENSES

SEC. 641. CRIMINAL FORFEITURE FOR PASSPORT AND VISA RELATED OFFENSES.

Section 982 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting after paragraph (5) the following new paragraph:

''(6) The court, in imposing sentence on a person convicted of a violation of, or conspiracy to violate, section 1541, 1542, 1543, 1544, or 1546 of this title, or a violation of, or conspiracy to violate, section 1028 of this title if committed in connection with passport or visa issuance or use, shall order that the person forfeit to the United States any property, real or personal, which the person used, or intended to be used, in committing, or facilitating the commission of, the violation, and any property constituting, or derived from, or traceable to, any proceeds the person obtained, directly or indirectly, as a result of such violation.''; and

(2) in subsection (b)(1)(B), by inserting ''or (a)(6)'' after ''(a)(2)''.

SEC. 642. SUBPOENAS FOR BANK RECORDS.

Section 986(a) of title 18, United States Code, is amended by inserting ''1028, 1541, 1542, 1543, 1544, 1546,'' before ''1956''.

SEC. 643. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on the first day of the first month that begins more than 90 days after the date of the enactment of this Act.

Subtitle D—Employee Verification by Security Services Companies

SEC. 651. PERMITTING SECURITY SERVICES COMPANIES TO REQUEST ADDITIONAL DOCUMENTATION.

(a) IN GENERAL.—Section 274B(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking ''For purposes'' and inserting ''(A) Except as provided in subparagraph (B), for purposes'', and

(2) by adding at the end the following new subparagraph:

''(B) Subparagraph (A) shall not apply to a request made in connection with an individual seeking employment in a company (or division of a company) engaged in the business of providing security services to protect persons, institutions, buildings, or other possible targets of international terrorism (as defined in section 2331(1) of title 18, United States Code).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to requests for documents made on or after the date of the enactment of this Act with respect to individuals who are or were hired before, on, or after the date of the enactment of this Act.

Subtitle E—Criminal Alien Deportation Improvements

SEC. 661. SHORT TITLE.

This subtitle may be cited as the ''Criminal Alien Deportation Improvements Act of 1995''.

SEC. 662. ADDITIONAL EXPANSION OF DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), is amended—

(1) in subparagraph (J), by inserting '', or an offense described in section 1084 (if it is a second or subsequent offense) or 1955 of that title (relating to gambling offenses),'' after ''corrupt organizations)'';

(2) in subparagraph (K)—

(A) by striking ''or'' at the end of clause (i),

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

''(ii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution) for commercial advantage; or'';

(3) by amending subparagraph (N) to read as follows:

''(N) an offense described in paragraph (1)(A) or (2) of section 274(a) (relating to alien smuggling) for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least 5 years;'';

(4) by amending subparagraph (O) to read as follows:

''(O) an offense (i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of title 18, United States Code, or is described in section 1546(a) of such title (relating to document fraud) and (ii) for which the term of imprisonment imposed (regardless of any suspension of such imprisonment) is at least 18 months;''

(5) in subparagraph (P), by striking ''15 years'' and inserting ''5 years'', and by striking ''and'' at the end;

(6) by redesignating subparagraphs (O), (P), and (Q) as subparagraphs (P), (Q), and (U), respectively;

(7) by inserting after subparagraph (N) the following new subparagraph:

''(O) an offense described in section 275(a) or 276 committed by an alien who was previously deported on the basis of a conviction for an offense described in another subparagraph of this paragraph;''; and

(8) by inserting after subparagraph (Q), as so redesignated, the following new subparagraphs:

''(R) an offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles the identification numbers of which have been altered for which a sentence of 5 years' imprisonment or more may be imposed;

''(S) an offense relating to obstruction of justice, perjury or subornation of perjury, or bribery of a witness, for which a sentence of 5 years' imprisonment or more may be imposed;

''(T) an offense relating to a failure to appear before a court pursuant to a court order to answer to or dispose of a charge of a felony for which a sentence of 2 years' imprisonment or more may be imposed; and''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to convictions entered on or after the date of the enactment of this Act, except that the amendment made by subsection (a)(3) shall take effect as if included in the enactment of section 222 of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 663. DEPORTATION PROCEDURES FOR CERTAIN CRIMINAL ALIENS WHO ARE NOT PERMANENT RESIDENTS.

(a) ADMINISTRATIVE HEARINGS.—Section 242A(b) of the Immigration and Nationality Act (8 U.S.C. 1252a(b)), as added by section 130004(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), is amended—

(1) in paragraph (2)—

(A) by striking ''and'' at the end of subparagraph (A) and inserting ''or'', and

(B) by amending subparagraph (B) to read as follows:

''(B) had permanent resident status on a conditional basis (as described in section 216) at the time that proceedings under this section commenced.'';

(2) in paragraph (3), by striking ''30 calendar days'' and inserting ''14 calendar days'';

(3) in paragraph (4)(B), by striking ''proccedings'' and inserting ''proceedings'';

(4) in paragraph (4)—

(A) by redesignating subparagraphs (D) and (E) as subparagraphs (F) and (G), respectively; and

(B) by adding after subparagraph (C) the following new subparagraphs:

''(D) such proceedings are conducted in, or translated for the alien into, a language the alien understands;

''(E) a determination is made for the record at such proceedings that the individual who appears to respond in such a proceeding is an alien subject to such an expedited proceeding under this section and is, in fact, the alien named in the notice for such proceeding;''.

(5) by adding at the end the following new paragraph:

''(5) No alien described in this section shall be eligible for any relief from deportation that the Attorney General may grant in the Attorney General's discretion.''.

(b) LIMIT ON JUDICIAL REVIEW.—Subsection (d) of section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a), as added by section 130004(b) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322), is amended to read as follows:

''(d) Notwithstanding subsection (c), a petition for review or for habeas corpus on behalf of an alien described in section 242A(c) may only challenge whether the alien is in fact an alien described in such section, and no court shall have jurisdiction to review any other issue.''.

(c) PRESUMPTION OF DEPORTABILITY.—Section 242A of the Immigration and Nationality Act (8 U.S.C. 1252a) is amended by inserting after subsection (b) the following new subsection:

''(c) PRESUMPTION OF DEPORTABILITY.—An alien convicted of an aggravated felony shall be conclusively presumed to be deportable from the United States.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to all aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 664. RESTRICTING THE DEFENSE TO EXCLUSION BASED ON 7 YEARS PERMANENT RESIDENCE FOR CERTAIN CRIMINAL ALIENS.

The last sentence of section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is amended by striking ''has served for such felony or felonies'' and all that follows through the period and inserting ''has

been sentenced for such felony or felonies to a term of imprisonment of at least 5 years, if the time for appealing such conviction or sentence has expired and the sentence has become final.''.

SEC. 665. LIMITATION ON COLLATERAL ATTACKS ON UNDERLYING DEPORTATION ORDER.

(a) IN GENERAL.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended by adding at the end the following new subsection:

''(c) In a criminal proceeding under this section, an alien may not challenge the validity of the deportation order described in subsection (a)(1) or subsection (b) unless the alien demonstrates that—

''(1) the alien exhausted any administrative remedies that may have been available to seek relief against the order;

''(2) the deportation proceedings at which the order was issued improperly deprived the alien of the opportunity for judicial review; and

''(3) the entry of the order was fundamentally unfair.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to criminal proceedings initiated after the date of the enactment of this Act.

SEC. 666. CRIMINAL ALIEN IDENTIFICATION SYSTEM.

Section 130002(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) is amended to read as follows:

''(a) OPERATION AND PURPOSE.—The Commissioner of Immigration and Naturalization shall, under the authority of section 242(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(3)(A)), operate a criminal alien identification system. The criminal alien identification system shall be used to assist Federal, State, and local law enforcement agencies in identifying and locating aliens who may be subject to deportation by reason of their conviction of aggravated felonies.''.

SEC. 667. ESTABLISHING CERTAIN ALIEN SMUGGLING-RELATED CRIMES AS RICO-PREDICATE OFFENSES.

Section 1961(1) of title 18, United States Code, is amended—

(1) by inserting ''section 1028 (relating to fraud and related activity in connection with identification documents) if the act indictable under section 1028 was committed for the purpose of financial gain,'' before ''section 1029'';

(2) by inserting ''section 1542 (relating to false statement in application and use of passport) if the act indictable under section 1542 was committed for the purpose of financial gain, section 1543 (relating to forgery or false use of passport) if the act indictable under section 1543 was committed for the purpose of financial gain, section 1544 (relating to misuse of passport) if the act indictable under section 1544 was committed for the purpose of financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) if the act indictable under section 1546 was committed for the purpose of financial gain, sections 1581–1588 (relating to peonage and slavery),'' after ''section 1513 (relating to retaliating against a witness, victim, or an informant),'';

(3) by striking ''or'' before ''(E)''; and

(4) by inserting before the period at the end the following: '', or (F) any act which is indictable under the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) if the act indictable under such section of such Act was committed for the purpose of financial gain''.

SEC. 668. AUTHORITY FOR ALIEN SMUGGLING INVESTIGATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (n),

(2) by redesignating paragraph (o) as paragraph (p), and

(3) by inserting after paragraph (n) the following new paragraph:

''(o) a felony violation of section 1028 (relating to production of false identification documents), section 1542 (relating to false statements in passport applications), section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title or a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens); or''.

SEC. 669. EXPANSION OF CRITERIA FOR DEPORTATION FOR CRIMES OF MORAL TURPITUDE.

(a) IN GENERAL.—Section 241(a)(2)(A)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(2)(A)(i)(II)) is amended to read as follows:

''(II) is convicted of a crime for which a sentence of one year or longer may be imposed,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to aliens against whom deportation proceedings are initiated after the date of the enactment of this Act.

SEC. 670. PAYMENTS TO POLITICAL SUBDIVISIONS FOR COSTS OF INCARCERATING ILLEGAL ALIENS.

Amounts appropriated to carry out section 501 of the Immigration Reform and Control Act of 1986 for fiscal year 1995 shall be available to carry out section 242(j) of the Immigration and Nationality Act in that fiscal year with respect to undocumented criminal aliens incarcerated under the authority of political subdivisions of a State.

SEC. 671. MISCELLANEOUS PROVISIONS.

(a) USE OF ELECTRONIC AND TELEPHONIC MEDIA IN DEPORTATION HEARINGS.—The second sentence of section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting before the period the following: ''; except that nothing in this subsection shall preclude the Attorney General from authorizing proceedings by electronic or telephonic media (with the consent of the alien) or, where waived or agreed to by the parties, in the absence of the alien''.

(b) CODIFICATION.—

(1) Section 242(i) of such Act (8 U.S.C. 1252(i)) is amended by adding at the end the following: ''Nothing in this subsection shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.''.

(2) Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking ''and nothing in'' and all that follows through ''1252(i))''.

(3) The amendments made by this subsection shall take effect as if included in the enactment of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 672. CONSTRUCTION OF EXPEDITED DEPORTATION REQUIREMENTS.

No amendment made by this Act shall be construed to create any substantive or procedural right or benefit that is legally enforceable by any party against the United States or its agencies or officers or any other person.

SEC. 673. STUDY OF PRISONER TRANSFER TREATY WITH MEXICO.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the Prisoner Transfer Treaty with Mexico (in this section referred to as the ''Treaty'') to remove from the United States aliens who have been convicted of crimes in the United States.

(b) USE OF TREATY.—The report under subsection (a) shall include the following information:

(1) The number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the Treaty.

(2) The number of aliens described in paragraph (1) who have been transferred pursuant to the Treaty.

(3) The number of aliens described in paragraph (2) who have been incarcerated in full compliance with the Treaty.

(4) The number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the Treaty.

(5) The number of aliens described in paragraph (4) who are incarcerated in State and local penal institutions.

(c) EFFECTIVENESS OF TREATY.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the Treaty. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address the following areas:

(1) Changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(2) Changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States.

(3) Changes in the Treaty that may be necessary to increase the number of aliens convicted of crimes who may be transferred pursuant to the Treaty.

(4) Methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the Treaty.

(5) Any recommendations of appropriate officials of the Mexican Government on programs to achieve the goals of, and ensure full compliance with, the Treaty.

(6) An assessment of whether the recommendations under this subsection require the renegotiation of the Treaty.

(7) The additional funds required to implement each recommendation under this subsection.

SEC. 674. JUSTICE DEPARTMENT ASSISTANCE IN BRINGING TO JUSTICE ALIENS WHO FLEE PROSECUTION FOR CRIMES IN THE UNITED STATES.

(a) ASSISTANCE TO STATES.—The Attorney General, in cooperation with the Commissioner of Immigration and Naturalization and the Secretary of State, shall designate an office within the Department of Justice to provide technical and prosecutorial assistance to States and political subdivisions of States in efforts to bring to justice aliens who flee prosecution for crimes in the United States.

(b) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of

this Act, the Attorney General shall compile and submit to the Congress a report which assesses the nature and extent of the problem of bringing to justice aliens who flee prosecution for crimes in the United States.

SEC. 675. PRISONER TRANSFER TREATIES.

(a) NEGOTIATION.—Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of the enactment of this Act, bilateral prisoner transfer treaties. The focus of such negotiations shall be to expedite the transfer of aliens unlawfully in the United States who are incarcerated in United States prisons, to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts, and to eliminate any requirement of prisoner consent to such a transfer.

(b) CERTIFICATION.—The President shall submit to the Congress, annually, a certification as to whether each prisoner transfer treaty in force is effective in returning aliens unlawfully in the United States who have committed offenses for which they are incarcerated in the United States to their country of nationality for further incarceration.

SEC. 676. INTERIOR REPATRIATION PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Attorney General and the Commissioner of Immigration and Naturalization shall develop and implement a program in which aliens who previously have illegally entered the United States not less than 3 times and are deported or returned to a country contiguous to the United States will be returned to locations not less than 500 kilometers from that country's border with the United States.

SEC. 677. DEPORTATION OF NONVIOLENT OFFENDERS PRIOR TO COMPLETION OF SENTENCE OF IMPRISONMENT.

(a) IN GENERAL.—Section 242(h) of the Immigration and Nationality Act (8 U.S.C. 1252(h)) is amended to read as follows:

''(h)(1) Except as provided in paragraph (2), an alien sentenced to imprisonment may not be deported until such imprisonment has been terminated by the release of the alien from confinement. Parole, supervised release, probation, or possibility of rearrest or further confinement in respect of the same offense shall not be a ground for deferral of deportation.

''(2) The Attorney General is authorized to deport an alien in accordance with applicable procedures under this Act prior to the completion of a sentence of imprisonment—

''(A) in the case of an alien in the custody of the Attorney General, if the Attorney General determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), and (ii) such deportation of the alien is appropriate and in the best interest of the United States; or

''(B) in the case of an alien in the custody of a State (or a political subdivision of a State), if the chief State official exercising authority with respect to the incarceration of the alien determines that (i) the alien is confined pursuant to a final conviction for a nonviolent offense (other than alien smuggling), (ii) such deportation is appropriate and in the best interest of the State, and (iii) submits a written request to the Attorney General that such alien be so deported.

''(3) Any alien deported pursuant to this subsection shall be notified of the penalties under the laws of the United States relating to the reentry of deported aliens, particularly the expanded penalties for aliens deported under paragraph (2).''.

(b) REENTRY OF ALIEN DEPORTED PRIOR TO COMPLETION OF TERM OF IMPRISONMENT.—Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) amended by adding at the end the following new subsection:

''(c) Any alien deported pursuant to section 242(h)(2) who enters, attempts to enter, or is at any time found in, the United States (unless the Attorney General has expressly consented to such alien's reentry) shall be incarcerated for the remainder of the sentence of imprisonment which was pending at the time of deportation without any reduction for parole or supervised release. Such alien shall be subject to such other penalties relating to the reentry of deported aliens as may be available under this section or any other provision of law.''.

TITLE VII—AUTHORIZATION AND FUNDING

SEC. 701. FIREFIGHTER AND EMERGENCY SERVICES TRAINING.

The Attorney General may award grants in consultation with the Federal Emergency Management Agency for the purposes of providing specialized training or equipment to enhance the capability of metropolitan fire and emergency service departments to respond to terrorist attacks. To carry out the purposes of this section, there is authorized to be appropriated $5,000,000 for fiscal year 1996.

SEC. 702. ASSISTANCE TO FOREIGN COUNTRIES TO PROCURE EXPLOSIVE DETECTION DEVICES AND OTHER COUNTER-TERRORISM TECHNOLOGY.

There is authorized to be appropriated not to exceed $10,000,000 for fiscal years 1996 and 1997 to the President to provide assistance to foreign countries facing an imminent danger of terrorist attack that threatens the national interest of the United States or puts United States nationals at risk—

(1) in obtaining explosive detection devices and other counter-terrorism technology; and

(2) in conducting research and development projects on such technology.

SEC. 703. RESEARCH AND DEVELOPMENT TO SUPPORT COUNTER-TERRORISM TECHNOLOGIES.

There are authorized to be appropriated not to exceed $10,000,000 to the National Institute of Justice Science and Technology Office—

(1) to develop technologies that can be used to combat terrorism, including technologies in the areas of—

(A) detection of weapons, explosives, chemicals, and persons;

(B) tracking;

(C) surveillance;

(D) vulnerability assessment; and

(E) information technologies;

(2) to develop standards to ensure the adequacy of products produced and compatibility with relevant national systems; and

(3) to identify and assess requirements for technologies to assist State and local law enforcement in the national program to combat terrorism.

TITLE VIII—MISCELLANEOUS

SEC. 801. STUDY OF STATE LICENSING REQUIREMENTS FOR THE PURCHASE AND USE OF HIGH EXPLOSIVES.

The Secretary of the Treasury, in consultation with the Federal Bureau of Investigation, shall conduct a study of State licensing requirements for the purchase and use of commercial high explosives, including detonators, detonating cords, dynamite, water gel, emulsion, blasting agents, and boosters. Not later than 180 days after the date of the enactment of this Act, the Secretary shall report to Congress the results of this study, together with any recommendations the Secretary determines are appropriate.

SEC. 802. COMPENSATION OF VICTIMS OF TERRORISM.

(a) REQUIRING COMPENSATION FOR TERRORIST CRIMES.—Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(d)(3)) is amended—

(1) by inserting ''crimes involving terrorism,'' before ''driving while intoxicated''; and

(2) by inserting a comma after ''driving while intoxicated''.

(b) FOREIGN TERRORISM.—Section 1403(b)(6)(B) of the Victims of Crime Act of 1984 (42 U.S.C. 10603(b)(6)(B)) is amended by inserting ''are outside the United States (if the compensable crime is terrorism, as defined in section 2331 of title 18, United States Code), or'' before ''are States not having''.

SEC. 803. JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES.

(a) EXCEPTION TO FOREIGN SOVEREIGN IMMUNITY FOR CERTAIN CASES.—Section 1605 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''or'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting ''; or''; and

(C) by adding at the end the following new paragraph:

''(7) not otherwise covered by paragraph (2), in which money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources (as defined in section 2339A of title 18) for such an act if such act or provision of material support is engaged in by an official, employee, or agent of such foreign state while acting within the scope of his or her office, employment, or agency, except that—

''(A) an action under this paragraph shall not be instituted unless the claimant first affords the foreign state a reasonable opportunity to arbitrate the claim in accordance with accepted international rules of arbitration;

''(B) an action under this paragraph shall not be maintained unless the act upon which the claim is based occurred while the individual bringing the claim was a national of the United States (as that term is defined in section 101(a)(22) of the Immigration and Nationality Act); and

''(C) the court shall decline to hear a claim under this paragraph if the foreign state against whom the claim has been brought establishes that procedures and remedies are available in such state which comport with fundamental fairness and due process.''; and

(2) by adding at the end the following new subsection:

''(e) For purposes of paragraph (7) of subsection (a)—

''(1) the terms 'torture' and 'extrajudicial killing' have the meaning given those terms in section 3 of the Torture Victim Protection Act of 1991;

''(2) the term 'hostage taking' has the meaning given that term in Article 1 of the International Convention Against the Taking of Hostages; and

''(3) the term 'aircraft sabotage' has the meaning given that term in Article 1 of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.''.

(b) EXCEPTION TO IMMUNITY FROM ATTACHMENT.—

(1) FOREIGN STATE.—Section 1610(a) of title 28, United States Code, is amended—

(A) by striking the period at the end of paragraph (6) and inserting '', or''; and

(B) by adding at the end the following new paragraph:

''(7) the judgment relates to a claim for which the foreign state is not immune under section 1605(a)(7), regardless of whether the property is or was involved with the act upon which the claim is based.''.

(2) AGENCY OR INSTRUMENTALITY.—Section 1610(b)(2) of such title is amended—

(A) by striking ''or (5)'' and inserting ''(5), or (7)''; and

(B) by striking ''used for the activity'' and inserting ''involved in the act''.

(c) APPLICABILITY.—The amendments made by this title shall apply to any cause of action arising before, on, or after the date of the enactment of this Act.

SEC. 804. STUDY OF PUBLICLY AVAILABLE INSTRUCTIONAL MATERIAL ON THE MAKING OF BOMBS, DESTRUCTIVE DEVICES, AND WEAPONS OF MASS DESTRUCTION.

(a) STUDY.—The Attorney General, in consultation with such other officials and individuals as the Attorney General deems appropriate, shall conduct a study concerning—

(1) the extent to which there are available to the public material in any medium (including print, electronic, or film) that instructs how to make bombs, other destructive devices, and weapons of mass destruction;

(2) the extent to which information gained from such material has been used in incidents of domestic and international terrorism;

(3) the likelihood that such information may be used in future incidents of terrorism; and

(4) the application of existing Federal laws to such material, the need and utility, if any, for additional laws, and an assessment of the extent to which the First Amendment protects such material and its private and commercial distribution.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a report that contains the results of the study required by this section. The Attorney General shall make the report available to the public.

SEC. 805. COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.

(a) FINDINGS.—Congress finds that—

(1) threats of violence and acts of violence are mounting against Federal, State, and local government employees and their families in attempts to stop public servants from performing their lawful duties;

(2) these acts are a danger to our constitutional form of government; and

(3) more information is needed as to the extent of the danger and its nature so that steps can be taken to protect public servants at all levels of government in the performance of their duties.

(b) STATISTICS.—The Attorney General shall acquire data, for the calendar year 1990 and each succeeding calendar year about crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees in performance of their lawful duties. Such data shall include—

(1) in the case of crimes against such employees, the nature of the crime; and

(2) in the case of incidents of threats of violence and acts of violence, including verbal and implicit threats against such employees, whether or not criminally punishable, which deter the employees from the performance of their jobs.

(c) GUIDELINES.—The Attorney General shall establish guidelines for the collection of such data, including what constitutes sufficient evidence of noncriminal incidents required to be reported.

(d) ANNUAL PUBLISHING.—The Attorney General shall publish an annual summary of the data acquired under this section. Otherwise such data shall be used only for research and statistical purposes.

(e) EXEMPTION.—The United States Secret Service is not required to participate in any statistical reporting activity under this section with respect to any direct or indirect threats made against any individual for whom the United States Secret Service is authorized to provide protection.

SEC. 806. VICTIM RESTITUTION ACT OF 1995.

(a) ORDER OF RESTITUTION.—Section 3663 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''may order, in addition to or, in the case of a misdemeanor, in lieu of any other penalty authorized by law'' and inserting ''shall order''; and

(ii) by adding at the end the following: ''The requirement of this paragraph does not affect the power of the court to impose any other penalty authorized by law. In the case of a misdemeanor, the court may impose restitution in lieu of any other penalty authorized by law.'';

(B) by adding at the end the following:

''(4) In addition to ordering restitution to the victim of the offense of which a defendant is convicted, a court may order restitution to any person who, as shown by a preponderance of evidence, was harmed physically, emotionally, or pecuniarily, by unlawful conduct of the defendant during—

''(A) the criminal episode during which the offense occurred; or

''(B) the course of a scheme, conspiracy, or pattern of unlawful activity related to the offense.'';

(2) in subsection (b)(1)(B) by striking ''impractical'' and inserting ''impracticable'';

(3) in subsection (b)(2) by inserting ''emotional or'' after ''resulting in'';

(4) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following new paragraph:

''(5) in any case, reimburse the victim for lost income and necessary child care, transportation, and other expenses related to participation in the investigation or prosecution of the offense or attendance at proceedings related to the offense; and'';

(5) in subsection (c) by striking ''If the court decides to order restitution under this section, the'' and inserting ''The'';

(6) by striking subsections (d), (e), (f), (g), and (h);

(7) by redesignating subsection (i) as subsection (m); and

(8) by inserting after subsection (c) the following:

''(d)(1) The court shall order restitution to a victim in the full amount of the victim's losses as determined by the court and without consideration of—

''(A) the economic circumstances of the offender; or

''(B) the fact that a victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source.

''(2) Upon determination of the amount of restitution owed to each victim, the court shall specify in the restitution order the manner in which and the schedule according to which the restitution is to be paid, in consideration of—

''(A) the financial resources and other assets of the offender;

''(B) projected earnings and other income of the offender; and

''(C) any financial obligations of the offender, including obligations to dependents.

''(3) A restitution order may direct the offender to make a single, lump-sum payment, partial payment at specified intervals, or such in-kind payments as may be agreeable to the victim and the offender. A restitution order shall direct the offender to give appropriate notice to victims and other persons in cases where there are multiple victims or other persons who may receive restitution, and where the identity of such victims and other persons can be reasonably determined.

''(4) An in-kind payment described in paragraph (3) may be in the form of—

''(A) return of property;

''(B) replacement of property; or

''(C) services rendered to the victim or to a person or organization other than the victim.

''(e) When the court finds that more than 1 offender has contributed to the loss of a victim, the court may make each offender liable for payment of the full amount of restitution or may apportion liability among the offenders to reflect the level of contribution and economic circumstances of each offender.

''(f) When the court finds that more than 1 victim has sustained a loss requiring restitution by an offender, the court shall order full restitution to each victim but may provide for different payment schedules to reflect the economic circumstances of each victim.

''(g)(1) If the victim has received or is entitled to receive compensation with respect to a loss from insurance or any other source, the court shall order that restitution be paid to the person who provided or is obligated to provide the compensation, but the restitution order shall provide that all restitution to victims required by the order be paid to the victims before any restitution is paid to such a provider of compensation.

''(2) The issuance of a restitution order shall not affect the entitlement of a victim to receive compensation with respect to a loss from insurance or any other source until the payments actually received by the victim under the restitution order fully compensate the victim for the loss, at which time a person that has provided compensation to the victim shall be entitled to receive any payments remaining to be paid under the restitution order.

''(3) Any amount paid to a victim under an order of restitution shall be set off against any amount later recovered as compensatory damages by the victim in—

''(A) any Federal civil proceeding; and

''(B) any State civil proceeding, to the extent provided by the law of the State.

''(h) A restitution order shall provide that—

''(1) all fines, penalties, costs, restitution payments and other forms of transfers of money or property made pursuant to the sentence of the court shall be made by the offender to an entity designated by the Director of the Administrative Office of the United States Courts for accounting and payment by the entity in accordance with this subsection;

''(2) the entity designated by the Director of the Administrative Office of the United States Courts shall—

''(A) log all transfers in a manner that tracks the offender's obligations and the current status in meeting those obligations, unless, after efforts have been made to enforce the restitution order and it appears that compliance cannot be obtained, the court determines that continued recordkeeping under this subparagraph would not be useful; and

''(B) notify the court and the interested parties when an offender is 30 days in arrears in meeting those obligations; and

''(3) the offender shall advise the entity designated by the Director of the Administrative Office of the United States Courts of any change in the offender's address during the term of the restitution order.

''(i) A restitution order shall constitute a lien against all property of the offender and may be recorded in any Federal or State office for the recording of liens against real or personal property.

''(j) Compliance with the schedule of payment and other terms of a restitution order shall be a condition of any probation, parole, or other form of release of an offender. If a defendant fails to comply with a restitution order, the court may revoke probation or a term of supervised release, modify the term or conditions of probation or a term of supervised release, hold the defendant in contempt of court, enter a restraining order or injunction, order the sale of property of the defendant, accept a performance bond, or take any other action necessary to obtain compliance with the restitution order. In determining what action to take, the court shall consider the defendant's employment status, earning ability, financial resources, the willfulness in failing to comply with the restitution order, and any other circumstances that may have a bearing on the defendant's ability to comply with the restitution order.

''(k) An order of restitution may be enforced—

''(1) by the United States—

''(A) in the manner provided for the collection and payment of fines in subchapter B of chapter 229 of this title; or

''(B) in the same manner as a judgment in a civil action; and

''(2) by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.

''(l) A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.''.

(b) PROCEDURE FOR ISSUING ORDER OF RESTITUTION.—Section 3664 of title 18, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (a), (b), (c), and (d);

(3) by amending subsection (a), as redesignated by paragraph (2), to read as follows:

''(a) The court may order the probation service of the court to obtain information pertaining to the amount of loss sustained by any victim as a result of the offense, the financial resources of the defendant, the financial needs and earning ability of the defendant and the defendant's dependents, and such other factors as the court deems appropriate. The probation service of the court shall include the information collected in the report of presentence investigation or in a separate report, as the court directs.''; and

(4) by adding at the end thereof the following new subsection:

''(e) The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.''.

TITLE IX—HABEAS CORPUS REFORM

SEC. 901. FILING DEADLINES.

Section 2244 of title 28, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of—

''(A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;

''(B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such State action;

''(C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

''(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.

''(2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim shall not be counted toward any period of limitation under this subsection.''.

SEC. 902. APPEAL.

Section 2253 of title 28, United States Code, is amended to read as follows:

''§ 2253. Appeal

''(a) In a habeas corpus proceeding or a proceeding under section 2255 before a district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit in which the proceeding is held.

''(b) There shall be no right of appeal from a final order in a proceeding to test the validity of a warrant to remove to another district or place for commitment or trial a person charged with a criminal offense against the United States, or to test the validity of such person's detention pending removal proceedings.

''(c)(1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from—

''(A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court; or

''(B) the final order in a proceeding under section 2255.

''(2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of the denial of a constitutional right.

''(3) The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).''.

SEC. 903. AMENDMENT OF FEDERAL RULES OF APPELLATE PROCEDURE.

Rule 22 of the Federal Rules of Appellate Procedure is amended to read as follows:

''Rule 22. Habeas corpus and section 2255 proceedings

''(a) APPLICATION FOR THE ORIGINAL WRIT.—An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application shall be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge shall not be permitted. The applicant may, pursuant to section 2253 of title 28, United States Code, appeal to the appropriate court of appeals from the order of the district court denying the writ.

''(b) CERTIFICATE OF APPEALABILITY.—In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, an appeal by the applicant for the writ may not proceed unless a district or a circuit judge issues a certificate of appealability pursuant to section 2253(c) of title 28, United States Code. If an appeal is taken by the applicant, the district judge who rendered the judgment shall either issue a certificate of appealability or state the reasons why such a certificate should not issue. The certificate or the statement shall be forwarded to the court of appeals with the notice of appeal and the file of the proceedings in the district court. If the district judge has denied the certificate, the applicant for the writ may then request issuance of the certificate by a circuit judge. If such a request is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or its representative, a certificate of appealability is not required.''.

SEC. 904. SECTION 2254 AMENDMENTS.

Section 2254 of title 28, United States Code, is amended—

(1) by amending subsection (b) to read as follows:

''(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

''(A) the applicant has exhausted the remedies available in the courts of the State; or

''(B)(i) there is an absence of available State corrective process; or

''(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

''(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

''(3) A State shall not be deemed to have waived the exhaustion requirement or be estopped from reliance upon the requirement unless the State, through counsel, expressly waives the requirement.'';

(2) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(3) by inserting after subsection (c) the following new subsection:

''(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—

''(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

''(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.'';

(4) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

''(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a determination of a factual issue made by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and convincing evidence.

''(2) If the applicant has failed to develop the factual basis of a claim in State court proceedings, the court shall not hold an evidentiary hearing on the claim unless the applicant shows that—

''(A) the claim relies on—

''(i) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

''(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence; and

''(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.''; and

(5) by adding at the end the following new subsections:

''(h) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.''.

SEC. 905. SECTION 2255 AMENDMENTS.

Section 2255 of title 28, United States Code, is amended—

(1) by striking the second and fifth undesignated paragraphs; and

(2) by adding at the end the following new undesignated paragraphs:

''A 1-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of—

''(1) the date on which the judgment of conviction becomes final;

''(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;

''(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

''(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

''Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for a movant who is or becomes financially unable to afford counsel shall be in the discretion of the court, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by section 3006A of title 18.

''A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain—

''(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

''(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.''.

SEC. 906. LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.

(a) CONFORMING AMENDMENT TO SECTION 2244(a).—Section 2244(a) of title 28, United States Code, is amended by striking ''and the petition'' and all that follows through ''by such inquiry.'' and inserting '', except as provided in section 2255.''.

(b) LIMITS ON SECOND OR SUCCESSIVE APPLICATIONS.—Section 2244(b) of title 28, United States Code, is amended to read as follows:

''(b)(1) A claim presented in a second or successive habeas corpus application under section 2254 that was presented in a prior application shall be dismissed.

''(2) A claim presented in a second or successive habeas corpus application under section 2254 that was not presented in a prior application shall be dismissed unless—

''(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

''(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

''(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

''(3)(A) Before a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.

''(B) A motion in the court of appeals for an order authorizing the district court to consider a second or successive application shall be determined by a three-judge panel of the court of appeals.

''(C) The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application satisfies the requirements of this subsection.

''(D) The court of appeals shall grant or deny the authorization to file a second or successive application not later than 30 days after the filing of the motion.

''(E) The grant or denial of an authorization by a court of appeals to file a second or successive application shall not be appealable and shall not be the subject of a petition for rehearing or for a writ of certiorari.

''(4) A district court shall dismiss any claim presented in a second or successive application that the court of appeals has authorized to be filed unless the applicant shows that the claim satisfies the requirements of this section.''.

SEC. 907. DEATH PENALTY LITIGATION PROCEDURES.

(a) ADDITION OF CHAPTER TO TITLE 28, UNITED STATES CODE.—Title 28, United States Code, is amended by inserting after chapter 153 the following new chapter:

''CHAPTER 154—SPECIAL HABEAS CORPUS PROCEDURES IN CAPITAL CASES

''§ 2261. Prisoners in State custody subject to capital sentence; appointment of counsel; requirement of rule of court or statute; procedures for appointment

''(a) This chapter shall apply to cases arising under section 2254 brought by prisoners in State custody who are subject to a capital sentence. It shall apply only if the provisions of subsections (b) and (c) are satisfied.

''(b) This chapter is applicable if a State establishes by statute, rule of its court of last resort, or by another agency authorized by State law, a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in State post-conviction proceedings brought by indigent prisoners whose capital convictions and sentences have been upheld on direct appeal to the court of last resort in the State or have otherwise become final for State law purposes. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(c) Any mechanism for the appointment, compensation, and reimbursement of counsel as provided in subsection (b) must offer counsel to all State prisoners under capital sentence and must provide for the entry of an order by a court of record—

''(1) appointing one or more counsels to represent the prisoner upon a finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer;

''(2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or

''(3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

''(d) No counsel appointed pursuant to subsections (b) and (c) to represent a State prisoner under capital sentence shall have previously represented the prisoner at trial or on direct appeal in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(e) The ineffectiveness or incompetence of counsel during State or Federal post-conviction proceedings in a capital case shall not be a ground for relief in a proceeding arising under section 2254. This limitation shall not preclude the appointment of different counsel, on the court's own motion or at the request of the prisoner, at any phase of State or Federal post-conviction proceedings on the basis of the ineffectiveness or incompetence of counsel in such proceedings.

''§ 2262. Mandatory stay of execution; duration; limits on stays of execution; successive petitions

''(a) Upon the entry in the appropriate State court of record of an order under section 2261(c), a warrant or order setting an execution date for a State prisoner shall be stayed upon application to any court that would have jurisdiction over any proceedings filed under section 2254. The application shall recite that the State has invoked the post-conviction review procedures of this chapter and that the scheduled execution is subject to stay.

''(b) A stay of execution granted pursuant to subsection (a) shall expire if—

''(1) a State prisoner fails to file a habeas corpus application under section 2254 within the time required in section 2263;

''(2) before a court of competent jurisdiction, in the presence of counsel, unless the prisoner has competently and knowingly waived such counsel, and after having been advised of the consequences, a State prisoner under capital sentence waives the right to pursue habeas corpus review under section 2254; or

''(3) a State prisoner files a habeas corpus petition under section 2254 within the time required by section 2263 and fails to make a substantial showing of the denial of a Federal right or is denied relief in the district court or at any subsequent stage of review.

''(c) If one of the conditions in subsection (b) has occurred, no Federal court thereafter shall have the authority to enter a stay of execution in the case, unless the court of appeals approves the filing of a second or successive application under section 2244(b).

''§ 2263. Filing of habeas corpus application; time requirements; tolling rules

''(a) Any application under this chapter for habeas corpus relief under section 2254 must be filed in the appropriate district court not later than 180 days after final State court affirmance of the conviction and sentence on direct review or the expiration of the time for seeking such review.

''(b) The time requirements established by subsection (a) shall be tolled—

''(1) from the date that a petition for certiorari is filed in the Supreme Court until the date of final disposition of the petition if a State prisoner files the petition to secure review by the Supreme Court of the affirmance of a capital sentence on direct review by the court of last resort of the State or other final State court decision on direct review;

''(2) from the date on which the first petition for post-conviction review or other collateral relief is filed until the final State court disposition of such petition; and

''(3) during an additional period not to exceed 30 days, if—

''(A) a motion for an extension of time is filed in the Federal district court that would have jurisdiction over the case upon the filing of a habeas corpus application under section 2254; and

''(B) a showing of good cause is made for the failure to file the habeas corpus application within the time period established by this section.

''§ 2264. Scope of Federal review; district court adjudications

''(a) Whenever a State prisoner under capital sentence files a petition for habeas corpus relief to which this chapter applies, the district court shall only consider a claim or claims that have been raised and decided on the merits in the State courts, unless the failure to raise the claim properly is—

''(1) the result of State action in violation of the Constitution or laws of the United States;

''(2) the result of the Supreme Court recognition of a new Federal right that is made retroactively applicable; or

''(3) based on a factual predicate that could not have been discovered through the exercise of due diligence in time to present the claim for State or Federal post-conviction review.

''(b) Following review subject to subsections (a), (d), and (e) of section 2254, the court shall rule on the claims properly before it.

''§ 2265. Application to State unitary review procedure

''(a) For purposes of this section, a 'unitary review' procedure means a State procedure that authorizes a person under sentence of death to raise, in the course of direct review of the judgment, such claims as could be raised on collateral attack. This chapter shall apply, as provided in this section, in relation to a State unitary review procedure if the State establishes by rule of its court of last resort or by statute a mechanism for the appointment, compensation, and payment of reasonable litigation expenses of competent counsel in the unitary review proceedings, including expenses relating to the litigation of collateral claims in the proceedings. The rule of court or statute must provide standards of competency for the appointment of such counsel.

''(b) To qualify under this section, a unitary review procedure must include an offer of counsel following trial for the purpose of representation on unitary review, and entry of an order, as provided in section 2261(c), concerning appointment of counsel or waiver or denial of appointment of counsel for that purpose. No counsel appointed to represent the prisoner in the unitary review proceedings shall have previously represented the prisoner at trial in the case for which the appointment is made unless the prisoner and counsel expressly request continued representation.

''(c) Sections 2262, 2263, 2264, and 2266 shall apply in relation to cases involving a sentence of death from any State having a unitary review procedure that qualifies under this section. References to State 'post-conviction review' and 'direct review' in such sections shall be understood as referring to unitary review under the State procedure. The reference in section 2262(a) to 'an order under section 2261(c)' shall be understood as referring to the post-trial order under subsection (b) concerning representation in the unitary review proceedings, but if a transcript of the trial proceedings is unavailable at the time of the filing of such an order in the appropriate State court, then the start of the 180-day limitation period under section 2263 shall be deferred until a transcript is made available to the prisoner or counsel of the prisoner.

''§ 2266. Limitation periods for determining applications and motions

''(a) The adjudication of any application under section 2254 that is subject to this chapter, and the adjudication of any motion under section 2255 by a person under sentence of death, shall be given priority by the district court and by the court of appeals over all noncapital matters.

''(b)(1)(A) A district court shall render a final determination and enter a final judgment on any application for a writ of habeas corpus brought under this chapter in a capital case not later than 180 days after the date on which the application is filed.

''(B) A district court shall afford the parties at least 120 days in which to complete all actions, including the preparation of all pleadings and briefs, and if necessary, a hearing, prior to the submission of the case for decision.

''(C)(i) A district court may delay for not more than one additional 30-day period beyond the period specified in subparagraph (A), the rendering of a determination of an application for a writ of habeas corpus if the court issues a written order making a finding, and stating the reasons for the finding, that the ends of justice that would be served by allowing the delay outweigh the best interests of the public and the applicant in a speedy disposition of the application.

''(ii) The factors, among others, that a court shall consider in determining whether a delay in the disposition of an application is warranted are as follows:

''(I) Whether the failure to allow the delay would be likely to result in a miscarriage of justice.

''(II) Whether the case is so unusual or so complex, due to the number of defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate briefing within the time limitations established by subparagraph (A).

''(III) Whether the failure to allow a delay in a case, that, taken as a whole, is not so unusual or so complex as described in subclause (II), but would otherwise deny the applicant reasonable time to obtain counsel, would unreasonably deny the applicant or the government continuity of counsel, or would deny counsel for the applicant or the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

''(iii) No delay in disposition shall be permissible because of general congestion of the court's calendar.

''(iv) The court shall transmit a copy of any order issued under clause (i) to the Director of the Administrative Office of the United States Courts for inclusion in the report under paragraph (5).

''(2) The time limitations under paragraph (1) shall apply to—

''(A) an initial application for a writ of habeas corpus;

''(B) any second or successive application for a writ of habeas corpus; and

''(C) any redetermination of an application for a writ of habeas corpus following a remand by the court of appeals or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3)(A) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

''(B) No amendment to an application for a writ of habeas corpus under this chapter shall be permitted after the filing of the answer to the application, except on the grounds specified in section 2244(b).

''(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) The State may enforce a time limitation under this section by petitioning for a writ of mandamus to the court of appeals. The court of appeals shall act on the petition for a writ or mandamus not later than 30 days after the filing of the petition.

''(5)(A) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the district courts with the time limitations under this section.

''(B) The report described in subparagraph (A) shall include copies of the orders submitted by the district courts under paragraph (1)(B)(iv).

''(c)(1)(A) A court of appeals shall hear and render a final determination of any appeal of an order granting or denying, in whole or in part, an application brought under this chapter in a capital case not later than 120 days after the date on which the reply brief is filed, or if no reply brief is filed, not later than 120 days after the date on which the answering brief is filed.

''(B)(i) A court of appeals shall decide whether to grant a petition for rehearing or other request for rehearing en banc not later than 30 days after the date on which the petition for rehearing is filed unless a responsive pleading is required, in which case the court shall decide whether to grant the petition not later than 30 days after the date on which the responsive pleading is filed.

''(ii) If a petition for rehearing or rehearing en banc is granted, the court of appeals shall hear and render a final determination of the appeal not later than 120 days after the date on which the order granting rehearing or rehearing en banc is entered.

''(2) The time limitations under paragraph (1) shall apply to—

''(A) an initial application for a writ of habeas corpus;

''(B) any second or successive application for a writ of habeas corpus; and

''(C) any redetermination of an application for a writ of habeas corpus or related appeal following a remand by the court of appeals en banc or the Supreme Court for further proceedings, in which case the limitation period shall run from the date the remand is ordered.

''(3) The time limitations under this section shall not be construed to entitle an applicant to a stay of execution, to which the applicant would otherwise not be entitled, for the purpose of litigating any application or appeal.

''(4)(A) The failure of a court to meet or comply with a time limitation under this section shall not be a ground for granting relief from a judgment of conviction or sentence.

''(B) The State may enforce a time limitation under this section by applying for a writ of mandamus to the Supreme Court.

''(5) The Administrative Office of United States Courts shall submit to Congress an annual report on the compliance by the courts of appeals with the time limitations under this section.''.

(b) TECHNICAL AMENDMENT.—The table of chapters at the beginning of part VI of title 28, United States Code, is amended by adding after the item relating to chapter 153 the following new item:

''154. Special habeas corpus procedures in capital cases ..... 2261''.

(c) EFFECTIVE DATE.—Chapter 154 of title 28, United States Code (as added by subsection (a)) shall apply to cases pending on or after the date of enactment of this Act.

SEC. 908. TECHNICAL AMENDMENT.

Section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) is amended by amending paragraph (9) to read as follows:

''(9) Upon a finding that investigative, expert, or other services are reasonably necessary for the representation of the defendant, whether in connection with issues relating to guilt or the sentence, the court may authorize the defendant's attorneys to obtain such services on behalf of the defendant and, if so authorized, shall order the payment of fees and expenses therefor under paragraph (10). No ex parte proceeding, communication, or request may be considered pursuant to this section unless a proper showing is made concerning the need for confidentiality. Any such proceeding, communication, or request shall be transcribed and made a part of the record available for appellate review.''.

SEC. 909. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstances shall not be affected thereby.